Tuesday
20th December, 1949

THE

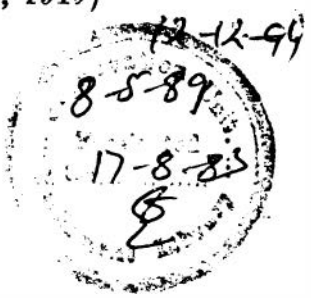
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

VOLUME IV, 1949

(28th November to 24th December, 1949)



SIXTH SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1949

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART I—QUESTIONS AND ANSWERS

Tuesday, 20th December, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

ORAL ANSWERS

CLOTH SMUGGLING

*737. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to refer to the reply to my Starred Question No. 80 asked on the 11th August 1948 and state whether the cloth and yarn seized while being smuggled across the East Punjab Border have since been disposed of?

(b) What is the total amount realised from the disposal of smuggled cloth and yarn?

(c) What is the quantity and total price of cloth and yarn seized on the border of East Bengal and West Bengal?

The Honourable Dr. John Matthai: (a) Out of the total quantity of cloth seized 81,606 yards have been released to the parties after departmental adjudication, 21,128 yards have been disposed of by public auction, 11,802 yards are awaiting auction, and 1,728 yards are yet in police custody pending prosecutions. 475.5 lbs. of yarn have also been auctioned.

(b) Rs. 14,754 and Rs. 2,292 from cloth and yarn respectively have since been realised by public auction of the above quantity.

(c) The total quantity of cloth and yarn attempted to be smuggled and seized on the border of West and East Bengal from March 1948 to September 1949 was 20,49,000 yards and 1,20,000 lbs. respectively. The value thereof respectively was Rs. 17,66,000 and Rs. 5,49,000.

Shri R. K. Sidhva: May I know whether the Honourable Minister stated that only Rs. 14,000 and odd were realised from the public auction and the rest were not realised? I have not understood the answer properly, Sir. My question is what is the total amount realised from the disposal of smuggled cloth and yarn and the figure that the Honourable Minister has given is 20,49,000 yards up-to-date. What is the actual realization that has come to the credit of the Government from the smuggled yarn?

The Honourable Dr. John Matthai: Is the Honourable Member referring to the quantities smuggled at the Bengal border or the Punjab border?

Shri R. K. Sidhva: I refer to East Punjab border and I have mentioned it in my question.

The Honourable Dr. John Matthai: There 21,128 yards were actually auctioned.

Shri R. K. Sidhva: I want the total amount instead of yards.

The Honourable Dr. John Matthai: Against that Rs. 14,754 were realised.

Shri R. K. Sidhva: My question is this: The Honourable Minister last time, in answer to my question stated (to which I have made a reference) that Rs. 10,53,000 worth of cloth was smuggled and as regards realization he said that it was not possible to state it exactly. I want to know out of this Rs. 10,53,000 how much has been realised by Government?

The Honourable Dr. John Matthai: I am not aware to what this figure of 10 lakhs refers, but as far as I am concerned, the point that this question raises is: What is the total yardage which has been smuggled and seized on the Punjab frontier? I have given a figure of about 81,000 yards. Out of that a large quantity has been released to the parties after adjudication. Of the rest nearly 32,000 or 33,000 yards are still with the authorities, 21,000 yards have been confiscated and auctioned. For that the realization is Rs. 14,754.

Shri V. C. Kesava Rao: May I know whether it is a fact that cloth being smuggled by one of the air liners was caught recently in East Punjab?

The Honourable Dr. John Matthai: I am not aware, Sir.

Shri R. K. Sidhva: I would repeat my question. The Honourable Minister stated last time.....

Mr. Speaker: It is no use repeating. It is not clear to him.

Shri R. K. Sidhva: The total value of cloth and yarn smuggled across the borders of Western and Eastern Pakistan amounts to Rs. 10,53,000. Then he says that the cloth and yarn which have been smuggled and seized were kept in the custody of the customs authorities pending adjudication of the cases. What I want to know is that out of the goods worth Rs. 10,53,000 in the custody of the Customs, how much amount has been realised?

Mr. Speaker: The answer is very clear, I think.

Shri R. K. Sidhva: Is it only Rs. 14,000?

Mr. Speaker: It may be that out of the goods in custody only Rs. 21,000 and odd yards were disposed of by forfeiture. That is a clear inference from it.

Shri Sita Ram S. Jajoo: May I ask whether smuggled cloth was seized on Rajasthan and Pakistan borders as well?

The Honourable Dr. John Matthai: I have no information.

Shri Upendranath Barman: Can the Honourable Minister give an idea of the number of big scale smugglers as compared to small-scale smugglers or whether it is only the small scale smugglers that have been detected?

The Honourable Dr. John Matthai: It all depends where you draw the line between the big and small ones.

Shri R. K. Sidhva: What was the reason for returning this large quantity, may I know, Sir?

Mr. Speaker: It is a matter for inference. The matter was, pending adjudication, while in the custody of the Customs authorities. We do not know what the adjudication orders were.

ASSETS OF FOREIGNERS

*738. **Shri R. K. Sidhva:** Will the Honourable Minister of **Finance** be pleased to state:

(a) the total assets, properties etc., belonging to foreign nationals in India; and

(b) the nature of such assets and the total amount of income-tax recovered from these assets during the last three years year by year?

The Honourable Dr. John Matthai: (a) As the Honourable Member is aware a census of the foreign assets and liabilities of India is in the course of compilation and preliminary figures are likely to be available early in 1950.

(b) It is not possible to give the details asked for, as the information is not available from existing income-tax records.

Shri H. V. Kamath: Since the announcement by the Prime Minister last April about the industrial and economic policy of the Government, and especially the invitation to foreign capital in this country, have any foreign investments been made in this country?

The Honourable Dr. John Matthai: May I suggest that it does not arise out of this question?

CREDIT TO BURMA GOVERNMENT

*739. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of **Finance** be pleased to state whether it is a fact that credit facilities have been given to Burma Government against the purchase of rice by us?

(b) If so, what is the credit given and when is the shipment of rice expected to reach India towards this credit?

(c) Will any interest be charged on this credit until the shipment actually arrives in India?

The Honourable Dr. John Matthai: (a) No, Sir.

(b) and (c). Does not arise.

Shri R. K. Sidhva: I want to know whether any financial facilities have been given to the Burma Government. Apart from the giving of actual loans, have any facilities been given?

The Honourable Dr. John Matthai: We do not give any credit facilities because payment is really made against documents. The Reserve Bank gives remittance facilities in respect of the funds that are to be moved from India to Burma at the beginning of the purchasing season. Similarly, the Burma Government gives repatriation facilities for the amount that has got to come back at the end of the season.

HYDERABAD GOLD

*740. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of **Finance** be pleased to state what is the total weight of Hyderabad gold sold by the Reserve Bank of India and the rate at which it was sold and what was the total amount realised from the sale?

(b) What is the total quantity of gold lying with the Hyderabad State?

The Honourable Dr. John Matthai: (a) The total quantity of gold sold up to the period ended the 4th November, 1949, was 70,500 tolas valued at Rs. 80,77,969, on an average price of Rs. 114/9/3 per tola.

(b) I am not in a position to give this information.

Shri R. K. Sidhva: What is the total amount, Sir, in answer to the first question?

Mr. Speaker: Rs. 80 lakhs and odd.

Shri T. T. Krishnamachari: May I ask if the entire proceeds of the sale is transmitted to the Nizam's Government?

The Honourable Dr. John Matthai: Well, the gold really is the personal property of His Exalted Highness and is transmitted to him.

Shri T. T. Krishnamachari: May I also ask, Sir, whether there is any possibility of further sales of gold being made?

The Honourable Dr. John Matthai: I have not the slightest information.

Shri R. K. Sidhva: How much of this amount has been credited to the Nizam of Hyderabad?

The Honourable Dr. John Matthai: The whole amount.

Shri R. K. Sidhva: Was the total amount the property of the Nizam?

The Honourable Dr. John Matthai: Yes; that is so.

CANCER

*741. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of **Health** be pleased to state whether it is a fact that some research on treatment of Cancer has been planned by the Tata Memorial Cancer Hospital in Bombay?

(b) If so, is this treatment successful?

(c) What is the percentage of cured cases from this treatment?

(d) Is there any other organisation which is doing research on treatment of Cancer?

The Honourable Rajkumari Amrit Kaur: (a) Yes. The Tata Memorial Hospital, Bombay has been carrying out researches into the incidence and causation of the different types of cancer for the last eight years.

(b) and (c). As these researches have so far not revealed any information that can be utilized for the purpose of improving the treatment of cancer the question of the success or otherwise of the treatment referred to by the Honourable Member does not arise. Surgery, deep X-ray and radium therapy therefore still remain the recognised methods of treating cancer. The percentage of cure with these recognised methods varies with the type of cancer and the stage at which the treatment is commenced. In early cases given adequate initial and follow-up treatment the percentage of cure can be expected to be well over 90 per cent.

(d) Some of the large provincial hospitals particularly in Calcutta, Madras and Patna are well equipped to undertake both research and treatment of cancer. Detailed information regarding the research work carried out at these institutions is still awaited and will be placed before the House on receipt.

Shri R. K. Sidhva: What is the total number of people who have to be treated for malignant diseases in India and have any of them been sent to Switzerland?

The Honourable Rajkumari Amrit Kaur: I would have to have notice of that question.

Shrimati Hansa Mehta: Have Government any idea of helping the Institution to develop?

The Honourable Rajkumari Amrit Kaur: Yes. This Institute is doing extremely good work. It is one of those Institutes that have been recommended for upgrading by the Upgrading Committee, which has recently submitted its report. If their recommendations are accepted in the current year this Hospital would receive a grant of three lakhs and in the following year, according to the desire of the trustees, the Centre may take over the research side of the Institution.

Shri H. V. Kamath: Is there any machinery for co-ordination of research on Cancer and its treatment conducted in our country with the research conducted in other countries on the subject?

The Honourable Rajkumari Amrit Kaur: Naturally all the research that is done in this country and those who are carrying on research are in close touch with the development of research in other countries.

Shri H. V. Kamath: Is it through the World Health Organisation or any other machinery?

The Honourable Rajkumari Amrit Kaur: The medical men themselves keep in close touch.

Shri H. V. Kamath: Individually or through Government?

Mr. Speaker: Order, order. Next question.

TECHNICAL MANPOWER

†***742. Shri R. K. Sidhva:** (a) Will the Honourable Minister of **Education** be pleased to state the extent of shortage of technical personnel in the principal industries in the country?

(b) Have Government any plan to train students so as to make the country self-sufficient as far as scientific and technical manpower is concerned?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) The available information indicates that the main shortage is of (i) Designers, and (ii) Production Engineers.

There is also considerable shortage of artisans and craftsmen. Forty-eight foreign technicians have been employed in the various industries and contracts for the services of 17 more have been concluded. This would also point towards a shortage of highly qualified and skilled technical personnel.

(b) To meet the demand for highly qualified technical personnel, steps have already been initiated to establish without delay the Eastern Higher Technical Institution at Hijli, 70 miles from Calcutta. This institution is expected to start functioning in August 1950 and to begin with, will provide post-graduate courses in certain subjects. Full details of the scope and size of this institution were given by me in reply to Starred Question No. 237 on the 2nd December 1949. On the recommendations of the All India Council for Technical Education, Government has sanctioned a scheme for giving financial aid to well-established non-government engineering and technological institutions in the country for their improvement and expansion.

To meet the requirements for artisans and craftsmen, Government has instituted schemes for the training of demobilised services personnel, which have

† Answer to this question laid on the table, the questioner having exhausted his quota.

recently been extended to cover displaced persons from Pakistan. Government has now decided to introduce in place of the temporary schemes, a scheme for the training of adult civilians under which training facilities will be available for 10,000 persons.

The Education Ministry are fully aware of the fact that the technical and scientific education in the country should receive as much encouragement from Government as possible. But, the present financial stringency has affected all our educational schemes and the fear is that the technical and scientific education schemes may also not remain unaffected.

ENTERTAINMENTS AT GOVERNMENT HOUSE

†*743. **Shri R. K. Sidhva:** Will the Honourable Minister of **Finance** be pleased to state the total expenditure incurred by various Ministries for official and unofficial entertainments at Government House from 10th April, 1948 to 31st December, 1948 and from 1st January, 1949 upto date?

The Honourable Dr. John Matthai: From April, 1948 to end of December, 1948, Rs. 6,121/15/0; From January, 1949, to date Rs. 9,794/3/6. Total Rs. 15,916/2/6.

DOCUMENTARY AND EDUCATIONAL FILMS

*744. **Dr. Mono Mohon Das:** Will the Honourable Minister of **Information and Broadcasting** be pleased to state:

(a) the number of new films, including documentary and educational films by Government, produced in the Indian Union after Independence; and

(b) the total length of these newly-produced films?

The Honourable Shri R. R. Diwakar: (a) and (b). Information is being collected and will be laid on the Table of the House.

R. S. S. CONVICTS

*745. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of **Home Affairs** be pleased to state whether there are any R.S.S. Satyagraha convicts still in prison and if so, what is their number?

(b) What properties, belonging to the R.S.S. or its members, were taken over by Government during the R.S.S. Satyagraha Movement days?

(c) Have they all been restored to their rightful owners?

The Honourable Sardar Vallabhbhai Patel: (a) None.

(b) (i) Bharat Mudranalaya Press, Faiz Bazar, Delhi, (ii) Library of the R.S.S. situated in Naya Bazar, Delhi and (iii) Vidya Dhar Press situated at Jungle Wali Masjid, Delhi.

(c) Yes.

Dr. Mono Mohon Das: May I know whether Government has paid any compensation for any damage to these properties that were taken under Government custody?

The Honourable Sardar Vallabhbhai Patel: No.

† Answer to this question laid on the Table, the questioner having exhausted his quota.

Dr. Mono Mohon Das: May I know whether any Government servants were victimised for having taken part in the R.S.S. Movement?

Mr. Speaker: That assumes too much; I cannot permit that.

Shri H. V. Kamath: Among those R.S.S. Satyagraha convicts, were there any Government servants?

The Honourable Sardar Vallabhbhai Patel: There were some Government servants who were convicted.

Shri H. V. Kamath: What is their number?

The Honourable Sardar Vallabhbhai Patel: I cannot give the number.

Shri Deshbandhu Gupta: Have any damages been claimed?

The Honourable Sardar Vallabhbhai Patel: No claims.

TRAINED NURSES

*746. **Dr. Mono Mohon Das:** Will the Honourable Minister of **Health** be pleased to state:

(a) the monthly salary and Dearness Allowance of trained nurses employed in tuberculosis and infectious diseases hospitals under Government; and

(b) whether any extra protection is given to these nurses in consideration of their exposure to these diseases?

The Honourable Rajkumari Amrit Kaur: (a) and (b). The rates of salary and allowances vary from Province to Province. A statement is laid on the Table of the House. (See *Appendix XIX, annexure No.* 1.)

Dr. Mono Mohon Das: May I know whether these nurses serving in tuberculosis and infectious diseases hospitals get any other extra allowances in consideration of their exposure to these infectious diseases?

The Honourable Rajkumari Amrit Kaur: From the statement that has been laid on the Table of the House, it will be seen that in one or two places, they are given an extra allowance. In every hospital where the nurses are exposed to infectious diseases, they are screened every now and again and due precautions are taken to protect them. Of course, against tuberculosis, B.C.G. is now going to play a definite part.

Dr. Mono Mohon Das: May I know whether there is any provident fund or pension for these nurses?

The Honourable Rajkumari Amrit Kaur: Provident Fund, I believe, exists everywhere for nurses.

Dr. Mono Mohon Das: May I know whether there has been any case of attack of T.B. or any other infectious diseases to these nurses during their service in these hospitals?

The Honourable Rajkumari Amrit Kaur: I could not tell you.

NUMBER OF DEATHS DUE TO MALARIA, T. B. AND SMALL-POX

†*747. **Seth Govind Das:** (a) Will the Honourable Minister of **Health** be pleased to state the number of deaths in 1948-49 due to (i) Malaria, (ii) T.B. and (iii) Small-pox?

(b) What additional steps have been taken during the year 1948-49 to improve the health of the people?

† Answer to this question laid on the Table, the questioner being absent.

The Honourable Rajkumari Amrit Kaur: (a) and (b). A statement is laid on the Table of the House. I may mention, however, that any figures available to us are nebulous in view of the fact that we have neither enough medical personnel to diagnose diseases nor adequate machinery for the collection of statistics.

STATEMENT

Number of deaths during the year 1947 *due to Malaria, T.B. and Small-pox and the steps taken during the year* 1948-49 *to improve the health of the people.*

The figures for 1948-49 are not yet available.

The following figures represent the recorded deaths from Malaria, Pulmonary Tuberculosis and Small-pox in the provinces of the Indian union during the year 1947:

Malaria—1,066,269.

Pulmonary Tuberculosis—47,624.

Small-pox—24,507.

The above figures for malaria and pulmonary tuberculosis do not include particulars from the provinces of Bihar, Orissa, Assam, Madras and Ajmer-Merwara, as in these provinces figures are recorded in respect of municipal towns only.

Owing to the lack of facilities for the proper diagnosis of the cause of death in view of the absence of adequate medical services, the reported figures are not complete. Nor can it be claimed that deaths placed under these categories were in every case due to those causes.

Health is a provincial subject and the main responsibility for promoting measures for the control of these diseases rests on the provinces. The Central Government has, however, been giving them such assistance as is possible, partly through half grants for approved health development programmes and partly by assistance in the development in the provinces, of schemes towards which the World Health Organisation and the United Nations International Children's Emergency Fund are, in addition to the Government of India, offering substantial help. Three malaria control teams provided by the World Health Organisation are working in the Terai area in the United Provinces, Jeypore Hill Tracts in Orissa and in Malnad in Mysore and a fourth one will start work shortly in Ernad in the Madras Province. A B.C.G. Vaccination programme against tuberculosis drawn up in collaboration with the United Nations International Children's Emergency Fund and the Scandinavian Red Cross has been in operation in different parts of the country for over fifteen months, which include the United States of Travancore and Cochin, Madanapalio and Madras City in the Province of Madras, Bombay and Baroda in the Province of Bombay, Delhi, Amritsar, Lucknow and Calcutta. It is expected that with further assistance from the United Nations International Children's Emergency Fund, this programme of B.C.G. Vaccination will be expanded considerably in 1950.

A demonstration team for the control of venereal diseases provided by the World Health Organisation is working in Himachal Pradesh with its headquarters in Simla and a Maternity and Child Welfare Demonstration team is shortly starting preliminary work in the province of Delhi. A group of experts from the World Health Organisation and the Office Internationale de' Hygiene Publique has recently visited India to study, with our cholera research workers, the problem of control of cholera in this country.

PROPAGATION OF HINDI

†*748. **Seth Govind Das:** (a) Will the Honourable Minister of Education be pleased to state the Universities where education is imparted through the medium of regional language or Hindi?

(b) What steps are being taken for the propagation of Hindi?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) and (b). A statement, showing the media of instruction at various Universities and steps taken by them for facilities of acquiring mastery over Hindi, is laid on the Table. (See *Appendix XIX, annexure No.* 2.)

Regarding the teaching of Hindi in schools, the Government of India have accepted in principle, the recommendation of the Central Advisory Board of

† Answer to this question laid on the Table, the questioner being absent.

Education, made at its 15th meeting held in January, 1949, that the teaching of Federal Language (Hindi) should be started at the end of the Junior Basic stage and should be compulsory throughout the pre-Secondary stage but may be optional thereafter as long as English is the medium of instruction at the University stage. The Provincial and State Governments as well as the Central Administrations have been requested to implement the above recommendation.

CHEAP RADIO SETS

†*749. **Seth Govind Das:** (a) Will the Honourable Minister of **Information and Broadcasting** be pleased to state if it is a fact that a new radio set costing only about Rs. 30 has been invented in India, and if so, when are such sets likely to be available in the market?

The Honourable Shri R. R. Diwakar: An Indian firm has under consideration proposals for the production of battery operated sets costing Rs. 30 each. So far as Government are aware, no such set has yet been produced.

TELEVISION IN INDIA

†*750. **Seth Govind Das:** Will the Honourable Minister of **Information and Broadcasting** be pleased to state what progress has been made in the television department and when is it going to function?

The Honourable Shri R. R. Diwakar: There is no television department.

BROADCASTING OF THE GITA AND THE RAMAYANA

†*751. **Seth Govind Das:** Will the Honourable Minister of **Information and Broadcasting** be pleased to state if it is a fact that instructions have been issued not to broadcast the Gita and the Ramayana, and if so, what are the reasons prompting such a decision?

The Honourable Shri R. R. Diwakar: The reply is in the negative.

Indian Information

*752. **Lala Raj Kanwar:** Will the Honourable Minister of **Information and Broadcasting** be pleased to state:

(a) the number of copies of *Indian Information* and its Hindi and Urdu versions published by the Information Department; and

(b) the number of copies of the above supplied free of cost to the various Ministries of Government, public institutions, and private individuals and the number of copies sold?

The Honourable Shri R. R. Diwakar: (a) Nil; as all the three journals have been discontinued from 1st July, 1949.

(b) Does not arise.

Lala Raj Kanwar: What are the reasons for discontinuing publication of the *Indian Information*?

The Honourable Shri R. R. Diwakar: As it was found that the material which was being printed was merely a collection of the material already published, as a measure of economy it was thought necessary to stop it.

† Answer to this question laid on the Table, the questioner being absent.

Lala Raj Kanwar: Was this done as a measure of economy?

The Honourable Shri R. R. Diwakar: Yes.

DEVOTIONAL SONGS BY A.I.R.

*758. **Lala Raj Kanwar:** Will the Honourable Minister of **Information and Broadcasting** be pleased to state:

(a) the exact or approximate length of time now allotted to the singing of devotional songs or *Bhajans* as part of the daily or weekly programme of the A.I.R., and

(b) whether a longer time can be assigned for the singing of *Bhajans* in the time-table of the A.I.R.?

The Honourable Shri R. R. Diwakar: (a) Approximately 5¼ hours per day, on an average.

(b) The time now assigned for this purpose is considered adequate.

Lala Raj Kanwar: May I know the reply to part (b)?

The Honourable Shri R. R. Diwakar: The time now assigned for this purpose is considered adequate.

Lala Raj Kanwar: May I know whether it is a fact that a good deal of time in connection with the daily programmes of the A.I.R. is devoted to love songs or songs depicting love scenes which are calculated to demoralise . . .

Mr. Speaker: Order, order. I think the Honourable Member may get this information by a private talk with the Minister.

Dr. P. S. Deshmukh: May I know what efforts are made to improve these *Bhajan* programmes and devotional songs?

The Honourable Shri R. R. Diwakar: There is a continuous attempt being made to improve them.

Shri Mahavir Tyagi: I heard the Honourable Minister say that approximately 5¼ hours per day were devoted to devotional songs. What is the time of the day allotted for these devotional songs? I have never heard any such thing.

The Honourable Shri R. R. Diwakar: If the *Listener* is read and followed, the Honourable Member will get full information.

Pandit Thakur Das Bhargava: Is it a fact that Gita and Ramayana *Kathas* have been discontinued and if so, why?

The Honourable Shri R. R. Diwakar: It does not arise out of this question.

Shri H. V. Kamath: Does it or does it not arise, Sir?

Mr. Speaker: It does not arise.

Shri H. V. Kamath: Gita is devotional scripture, Sir.

Mr. Speaker: It is a matter of interpretation. Gita is philosophy. The Honourable member knows it.

Shri Mahavir Tyagi: Is it a fact that Ramayana was also being recited previously among the devotional songs and it has been stopped now?

The Honourable Shri R. R. Diwakar: It has not been stopped but it was not a part of devotional songs.

India Office Library

*754. **Lala Raj Kanwar:** Will the Honourable Minister of **Education** be pleased to state:

(a) whether the books, records, maps, manuscripts etc., maintained in the Library of India Office, London, have now been brought back to India and made available for National use; and

(b) if not, when the proposal is likely to materialise?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) No, Sir.

(b) The Government of India are in correspondence with the Indian High Commissioner in London in this matter and cannot say exactly when the question will be finally decided.

Lala Raj Kanwar: What is the cause of delay in bringing back these books?

The Honourable Shri Satyanarayan Sinha: I have already said that the matter is under correspondence with the High Commissioner.

Shri Deshbandhu Gupta: What is the last information received from the High Commissioner on the question?

The Honourable Shri Satyanarayan Sinha: I would like to have notice.

Lala Raj Kanwar: Will any of these books be made over to Pakistan?

The Honourable Shri Satyanarayan Sinha: Government is not in a position to say what exactly will be the position.

Lala Raj Kanwar: Has Pakistan put forward any claim?

Students to U.S.A.

*755. **Shri Santanu Kumar Das:** (a) Will the Honourable Minister of **Education** be pleased to state whether Government have taken steps to enhance as a result of devaluation the amount of Government Scholarship to students sent to United States of America for studies? If not, why not?

(b) What is the total amount involved?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) The amount of Government scholarship for students sent for advanced studies to U.S.A. under the Overseas Scholarships Scheme is fixed in terms of dollars. Scholars are, therefore, not affected by the devaluation of the Rupee and the question of enhancement of stipend does not arise.

(b) The total additional rupee expenditure to Government is about 2 lakhs and 40 thousand for giving the students the same rate of stipend in dollars.

Sjt. Kuladhar Chaliha: What is the amount of dollar now granted to students in U.S.A.? I want to know individually.

The Honourable Shri Satyanarayan Sinha: The total figure I have got but I cannot say what are the individual figures.

Sjt. Kuladhar Chaliha: Has it been recently decreased from 2,500 to something below?

Mr. Speaker: He has no information.

Shri Ajit Prasad Jain: May I know from the Honourable Minister whether he is aware that a large number of students have gone to U.S.A. who bear their own expense and they have been hardly hit by this devaluation of the rupee? Do Government propose to give any relief to them?

The Honourable Shri Satyanarayan Sinha: We have no information about that and if the matter is brought to the notice of Government, we will consider it.

Shri S. Nagappa: The Honourable Minister gave some amount. May I know whether it is for the whole term or per annum?

The Honourable Shri Satyanarayan Sinha: Annual expenditure.

Shri H. V. Kamath: Are our scholars studying mostly in sterling area countries or dollar areas?

Mr. Speaker: Does not arise.

Shri Ajit Prasad Jain: Have Government received any representation from students who are living at their own expense in America about giving relief to them and if so, what is the number of such representations?

The Honourable Shri Satyanarayan Sinha: I have no information.

Shri H. V. Kamath: Why is the Minister absent?

Mr. Speaker: For reasons best known to him.

Shri Santanu Kumar Das: May I know whether the scholarship given to them is sufficient to meet their expenses?

CONSUMER GOODS

*756. **Shri Santanu Kumar Das:** (a) Will the Honourable Minister of Finance be pleased to state the steps taken by Government to combat rise of prices of various consumers' goods due to devaluation?

(b) Do Government propose to give any concession to the low-paid employees who cannot afford to pay high prices for the articles?

The Honourable Dr. John Matthai: (a) I would invite the attention of Honourable Member to the reply given by me to Starred Question No. 388 on the 7th December, 1949.

(b) Dearness allowance is already being paid to the low-paid staff and the steps that are being taken by Government to effect a reduction in the retail prices of essential commodities will benefit all sections of the community.

Shri Santanu Kumar Das: Have Government received any complaint from any quarter against the sellers that they are selling consumer goods at very high prices?

The Honourable Dr. John Matthai: I have seen various complaints in the press but I have not received any complaint.

Shri Santanu Kumar Das: Have Government held any enquiry?

The Honourable Dr. John Matthai: The matter is under constant enquiry.

Shri Arun Chandra Guha: Has there been any decrease in prices of consumer goods owing to measures taken recently by Government?

The Honourable Dr. John Matthai: I gave a pretty exhaustive statement based on such information as I have given in reply to a similar question last week.

Sjt. Kuladhar Chaliha: May I know what is the result of the constant enquiry?

The Honourable Dr. John Matthai: The result is entirely healthy.

Regimental Centres

*757. **Dr. V. Subramaniam:** (a) Will the Honourable Minister of Defence be pleased to state the number of regimental centres existing in India and their places?

(b) Aro they evenly distributed in the country?

(c) What is the criterion for fixing or choosing the places?

(d) Do Government propose to increase the regimental centres or regroup the present ones to facilitate recruitment?

The Honourable Sardar Baldev Singh: (a) and (b). I lay a statement on the Table of the House. (See *Appendix XIX, annexure No.* 3.)

(c) Availability of accommodation and possibility of providing maximum opportunities to people of particular areas for which the centres cater are the factors taken into consideration in selecting sites for the establishment of such centres.

(d) No, not at present.

Dr. V. Subramaniam: Have any representations been made to the Defence Ministry for the readjustment of existing training centres?

The Honourable Sardar Baldev Singh: I have not seen any representation.

Shri Ari Bahadur Gurung: In view of the fact that some regimental centres are quite close to Pakistan, may I know whether Government propose to remove them?

The Honourable Sardar Baldev Singh: One of the considerations in locating these regiments there is that they should be away from the frontier and with regard to those regiments which are near the frontier, steps will be taken at some later date to remove them to the interior.

Central Excise Department of Orissa States

*758. **Shri Yudhisthir Mishra:** Will the Honourable Minister of Finance be pleased to state:

(a) when the Central Excise Department of Orissa States was taken over by the Government of India?

(b) whether the staff of the Central Excise of the Orissa States are getting their pay according to the scale prescribed by the State Governments;

(c) whether any final decision has been arrived at by Government regarding the absorption of the Central Excise employees of the Orissa States and revision of their scales and grades of pay;

(d) whether any annual increment is allowed to them during the interim period; and

(e) whether they are allowed any privilege leave earned during the State regime?

The Honourable Dr. John Matthai: (a) The responsibility for Central Excise administration in the Orissa merged and integrated States was assumed with effect from the 1st May 1948. The actual taking over was effected on various dates in May 1948. The Central Excise administration of Mayurbhanj State was taken over on the 1st January, 1949.

(b) Yes.

(c) No.

(d) and (e). Yes.

Shri Yudhisthir Mishra: May I know why there is discrimination between the employees of these States and the employees of Central Government as far as pay and emoluments are concerned?

The Honourable Dr. John Matthai: The position is that in order to carry on the central administration of excise in the States which have been taken over we are now considering the extent of staff that the Central Government should employ in respect of this administration. When that has been settled, a further question arises as to who exactly out of the people now in the State services, should be taken over by the Central Government to fill these posts. The people who are taken over by the Central Government will of course be paid on the same scale as in other Central Government services.

Shri Yudhisthir Mishra: Do the Government propose to absorb the employees of the States in the Central Government?

The Honourable Dr. John Matthai: We can take over only such number as we can usefully employ. As far as the rest is concerned, what we propose to do is to ask the Provincial Government to absorb them in the various services working under them and my own impression today is that it would be possible for the rest of the employees to be absorbed by the Provincial Government.

Shri Yudhisthir Mishra: Are the Government aware that the Dearness Allowances granted to employees in the Department in the States were subsequently withdrawn and these employees have been asked to refund the amount that was drawn by them?

The Honourable Dr. John Matthai: I am not aware of that particular incident but the principle on which we are working is that the State employees who are not to be taken over by the Central Government will remain in the State Service on the State scale of salaries until a decision is made by the Provincial Government as to whether they can employ them.

ORISSA STATES (INCOME-TAX DEPARTMENT)

*759. **Shri Yudhisthir Mishra:** Will the Honourable Minister of Finance be pleased to state as to when the Government of India propose to take over the administration of the Income-tax Department of the Orissa States?

The Honourable Dr. John Matthai: The Income-tax administration of the 24 Orissa States has been taken over by the Central Government, with effect from the 26th August 1949.

Shri Yudhisthir Mishra: May I know whether all the employees of the Income-tax Department in the States have been absorbed by the Central Government?

The Honourable Dr. John Matthai: No, the problem is almost exactly the same as in respect of the Central Excise staff.

Shri Yudhisthir Mishra: How do Government propose to provide for those who are not absorbed by the Central Government?

The Honourable Dr. John Matthai: We propose to ask the Provincial Government to see if they can absorb the rest of the employees and if they are not able to absorb the rest of them, a further question will arise. That, of course, is at present a hypothetical question.

Shri Yudhisthir Mishra: May I know whether the Government is prepared to give an assurance that those who are not employed by the Central Government will not remain unemployed?

Mr. Speaker: It will be problematical at this stage.

BANNED NEWSPAPERS

***760. Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Home Affairs be pleased to state the names of Indian newspapers and periodicals whose entry has been banned in Pakistan by the Government of Pakistan?

(b) What are the names of Pakistan newspapers and periodicals whose entry has been banned in India by the Government of India?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). A statement is laid on the Table of the House.

STATEMENT

List of Indian Newspapers and Periodicals whose entry has been banned in East and West Pakistan by the Government of Pakistan.

S. No.	Name	Place of issue
	EASTERN PAKISTAN	
1.	Hindustan Standard	Calcutta
2.	Nation	Calcutta
3.	Anand Bazar Patrika	Calcutta
4.	Swaraj	Calcutta
5.	Raushni	Calcutta
6.	Janta	New Delhi
7.	Saptaha	Calcutta
8.	Rail Mazdur	Calcutta
9.	Ittebad	Calcutta
10.	Hindustan Times	New Delhi
11.	Mandirah	Calcutta
	WESTERN PAKISTAN	
1.	Hindustan Times	New Delhi
2.	Milap	New Delhi
3.	Partap.	New Delhi
4.	Parbhat	New Delhi
5.	Ajit	Amritsar
6	Blitz (Periodical)	Bombay

List of Pakistan Newspapers whose entry has been banned in India by the Government of India.

S.No.	Name	Place of issue
1.	Anjam	Karachi
2.	Jang	Karachi
3.	Musalman	Karachi
4.	Jadid-e-Nizam	Karachi
5.	Zamindar	Lahore
6.	Khan	Lahore
7.	Al-Islah	Lahore

Shri Satis Chandra Samanta: In which languages were those banned papers printed?

The Honourable Sardar Vallabhbhai Patel: Well, they were in different languages, English, Urdu, Hindi and various other languages.

Shri Satis Chandra Samanta: What are the main grounds for banning these papers?

The Honourable Sardar Vallabhbhai Patel: So far as the ban imposed by Pakistan Government is concerned, they must know the reasons for the ban; I do not know. So far as the Indian Government is concerned, the Government of India consider that the papers banned have been carrying on a campaign of disruption and disaffection.

Shri Satis Chandra Samanta: Were any Pakistan newspapers found in the possession of any persons in India in large numbers and if so, what action has been taken for their confiscation?

The Honourable Sardar Vallabhbhai Patel: No action has been taken as they have not been found in such large numbers.

Shri Deshbandhu Gupta: May I know whether the two Inter-Dominion Conferences held in Karachi and Delhi have made any difference in the tone of the Pakistan press *vis-a-vis* India?

The Honourable Sardar Vallabhbhai Patel: Well, whether there is any difference in the tone of Pakistan papers or not, it is difficult for me to say.

Shri Deshbandhu Gupta: Does the Honourable Minister consider that it has been a waste of time and money to have had these conferences?

Mr. Speaker: Order, order.

Shri H. V. Kamath: May I know whether this matter relating to the ban on newspapers and its infringement on either side was raised at Government level at any of the Inter-Dominion Conferences held in the recent past?

The Honourable Sardar Vallabhbhai Patel: That question may be addressed to the Honourable Minister who deals with these questions.

Shri R. K. Sidhva: May I know, Sir, whether the *Hindustan Times* has been banned by the Pakistan Government?

The Honourable Sardar Vallabhbhai Patel: Yes.

Shri Ajit Prasad Jain: May I know whether Government have any proposal or plan to deal with the papers in India that are showing a pro-Pakistan policy?

The Honourable Sardar Vallabhbhai Patel: No special plan for them.

Shri Ajit Prasad Jain: Is the Honourable Minister aware that the *Statesman* published some advertisements of the so-called Azad Kashmir . . .

Mr. Speaker: Order, order.

Shri Deshbandhu Gupta: What is the number of newspapers banned by Pakistan and what is the number banned by India?

The Honourable Sardar Vallabhbhai Patel: The number banned by Pakistan is; in Eastern Pakistan 11, Western Pakistan 6. In India, the number of papers banned from Pakistan is 7.

Rehabilitation Finance Administration

*761. **Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Finance be pleased to state how much amount of money has been placed at the disposal of the Rehabilitation Finance Administration since its inception?

(b) How much amount has been disbursed up till now by the Administration?

(c) What are the highest and lowest amounts sanctioned to an individual or to a group of individuals?

(d) How many displaced persons have so far received help from the Administration?

The Honourable Dr. John Matthai: (a) Rs. 1·4 crores has so far been drawn by the Administration.

(b) About 1·24 crores.

(c) Rs. one lakh and Rs. 5,500.

(d) 2,868 loans have been sanctioned, but the number of displaced persons who indirectly receive help is much larger as the members of the family and displaced individuals working in the industries and business set up with these loans naturally derive benefit out of these loans.

Shri Satis Chandra Samanta: Do Government contemplate preparing a detailed report on the working of the Rehabilitation Finance Administration, zone and subject-wise, and supplying copies of the same to the Members of this House?

The Honourable Dr. John Matthai: I will consider it.

Shri Satis Chandra Samanta: Has any sum been sanctioned for cottage industries?

The Honourable Dr. John Matthai: As the Honourable Member knows, the amounts applied for and which are below Rs. 5,000 are not considered by the Rehabilitation Finance Administration, but under a small loans scheme which is being administered by the provincial government.

Shri Arun Chandra Guha: What is the number of recepients among Eastern Pakistan refugees, and what is the amount?

The Honourable Dr. John Matthai: From Eastern Pakistan, the total number of applications is 2,685. Out of these I do not know how many were sanctioned, I do not have the information here, but I can get it and supply it to the Honourable Member.

Shri R. K. Sidhva: 473 were sanctioned.

Shri Basanta Kumar Das: Is there any chanee of the scales of grants being reduced, as a result of the economy drive?

The Honourable Dr. John Matthai: The only way in which the present economy drive is likely to affect the Rehabilitation Finance Administration is that it may possibly lead to reduced provision for loans by the Administration; but that question has not yet arisen.

Dr. V. Subramaniam: May I know the total number of applications from refugees for help and the total number disposed of?

The Honourable Dr. John Matthai: I propose to lay on the Table of the House at the earliest opportunity a detailed report of the working of this Administration and I think that will give Honourable Members all the information they desire.

Shri B. L. Sondhi: As against a sanctioned amount of Rs. 3·19 crores, the total amount already disbursed is only Rs. 1·38 crores. May I know why this difference of about 2 crores?

The Honourable Dr. John Matthai: As the Honourable Member who is an experienced business man would understand, when a loan has been sanctioned, there are certain essential formalities for the applicant to go through. For example, he has to provide the necessary securities, he has to find the machinery, and then the proper location and all that. And all these take a certain amount of time.

NEW INDIAN ARMY HONOURS

***762. Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of **Defence** be pleased to state whether the Government of India propose to adopt Indian Honours for meritorious services by soldiers in the three arms of the fighting forces?

(b) If so, what will be these Honours and when will they be introduced?

The Honourable Sardar Baldev Singh: (a) Yes.

(b) An announcement will be made giving details of these awards as soon as they are finalised and all connected preliminary arrangements are completed. It is proposed to introduce these awards on the inauguration of the new Constitution.

FORGED CURRENCY NOTES

***763. Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of **Finance** be pleased to state whether it is a fact that recently a very large number of forged currency notes have been discovered in circulation and if so, what is the value and extent of such forged currency notes seized and at which places?

(b) What measures have been taken so far by the Government of India to prevent and check the circulation of such forged currency notes and with what result?

(c) Have the Government of India supplied to the Banks in India lists of the numbers of forged currency notes in circulation?

(d) If so, have Government taken any action to publish such lists for the information of the general public and if not, why not?

The Honourable Dr. John Matthai: (a) The information available with the Government does not suggest that there has been any large or unusual increase in the circulation of forged notes in the country.

(b) All forged notes tendered at the offices and agencies of the Reserve Bank of India are immediately impounded and the names and addresses of the tenderers are reported to the police for investigation and necessary action.

(c) No, Sir.

(d) It is not considered necessary to publish the numbers of forged notes as this will only serve to confuse the public.

Resignation by a Calcutta High Court Judge

*764. **Dr. Mono Mohon Das:** Will the Honourable Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that one of the Judges of the Calcutta High Court has tendered resignation due to alterations in the conditions of his service under the new Constitution of India;

(b) the grievances ventilated in the letter of resignation; and

(c) the decision taken by Government in this matter?

The Honourable Sardar Vallabhbhai Patel: (a) Yes. Mr. Justice N. C. Chatterjee resigned his office in the Calcutta High Court with effect from the 3rd November 1949.

(b) and (c). It was a formal resignation addressed to the Governor of West Bengal, by whom it was formally acknowledged.

Dr. Mono Mohon Das: May I know whether any other judge of any other High Court has similarly tendered his resignation?

The Honourable Sardar Vallabhbhai Patel: Not so far.

Dr. Mono Mohon Das: May I know whether the Government has accepted the resignation of Justice Chatterjee?

The Honourable Sardar Vallabhbhai Patel: Well, there is no choice; Government has accepted it.

Shri H. V. Kamath: Has Mr. Chatterjee assigned any reasons in his letter of resignation?

The Honourable Sardar Vallabhbhai Patel: I do not know whether in the letter of resignation he has given any reasons; but I have reasons to believe that because he felt that the conditions of service were adversely affected by the new Constitution, he resigned.

Shri M. Tirumala Rao: Were any representations received from the Judges of any other High Courts with regard to this matter, after the formal passing of the Constitution?

The Honourable Sardar Vallabhbhai Patel: No.

Smuggling across Indo-Burma Border

*765. **Shri Santanu Kumar Das:** (a) Will the Honourable Minister of **Finance** be pleased to state whether it is a fact that goods worth about two lakhs have been seized so far by the Custom Officials while being smuggled across the Indo-Burma border?

(b) If so, what steps have been taken in the matter?

The Honourable Dr. John Matthai: (a) Yes.

(b) The offending goods were seized and subjected to departmental adjudication by Customs authorities. In cases where the offence was established the goods were confiscated and option given for redemption of goods on payment of fines. Personal penalties were also levied where considered necessary.

Shri Santanu Kumar Das: May I know whether there has been any such case in the border of Eastern Pakistan?

The Honourable Dr. John Matthai: This is about the Indo-Burma frontier. The question of Pakistan does not arise here.

DETENUS IN CENTRALLY ADMINISTERED AREAS

*766. **Dr. Bakhshi Tek Chand:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the number of persons who are under detention under the Punjab Safety Act or other similar enactments in (i) Delhi Province; and (ii) other Centrally Administered Areas;

(b) the number of such persons who have been under detention for more than six months; and

(c) the arrangements, if any, which exist for a periodical review of their cases?

The Honourable Sardar Vallabhbhai Patel: (a) (i) 29 and (ii) Nil.

(b) One.

(c) A statement is laid on the Table of the House.

STATEMENT

Arrangements that exist for the Review of cases of Detenus in Centrally Administered Areas

Delhi.—An Advisory Tribunal constituted under the provision of the East Punjab Public Safety Act, 1949, as made applicable to the Province of Delhi, reviews the cases of all the detenus. A copy of every order of detention or extension in the period of detention, with reasons therefor, is forwarded to the Tribunal.

Shrimati Purnima Banerji: May I know how many of these detenus have applied and received family allowances?

The Honourable Sardar Vallabhbhai Patel: I have no information on that.

DETENTIONS UNDER REGULATION III OF 1818.

*767. **Dr. Bakhshi Tek Chand:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the number of persons who are kept in detention, or have been deported, under Regulation III of 1818;

(b) the period for which each of these persons has been under detention;

(c) whether the cases of such persons are reviewed periodically; and

(d) whether any of them, and if so, how many, have been released since the 1st of January, 1949?

The Honourable Sardar Vallabhbhai Patel: (a) One.

(b) Since 17th October, 1949.

(c) Yes.

(d) Five.

Shri H. V. Kamath: Does Government propose to repeal this Regulation III of 1818 on the commencement of the Constitution.

The Honourable Sardar Vallabhbhai Patel: It will automatically cease to be in existence after the new Constitution comes into force.

PALACES OF RULERS OF STATES ACCEDED TO PAKISTAN.

*768. **Dr. Bakhshi Tek Chand:** Will the Honourable Minister of **States** be pleased to state:

(a) whether there are any houses in Delhi belonging to Ruling Chiefs who or whose States have since acceded to Pakistan; and

(b) if the answer be in the affirmative, whether their houses have been treated as Evacuee Property under the law, and taken possession of by the Custodian?

The Honourable Sardar Vallabhbhai Patel: (a) Yes: Bahawalpur House.

(b) The Honourable Member's attention is invited to the reply given by the Deputy Minister for External Affairs to Starred Question No. 571 by Shri R. K. Sidhva on the 14th December, 1949.

ADULTERATION OF MEDICINES

*769. **Dr. Bakhshi Tek Chand:** Will the Honourable Minister of **Health** be pleased to state:

(a) whether it is a fact that there is adulteration of medicines on a large scale in Delhi;

(b) whether it is a fact that the persons concerned refill bottles with inferior substitutes retaining the label of original manufacturers and re-sell them in the market;

(c) whether the Delhi Municipal Committee has passed a resolution to the above effect drawing the attention of the Government of India to this growing evil; and

(d) if so, what action, if any, Government have taken, or propose to take in the matter?

The Honourable Rajkumari Amrit Kaur: (a) Complaints have been received from representatives of a few foreign Firms that spurious preparations of their products with similar names and labels are being marketed for sale in Delhi.

(b) It is alleged that bottles are refilled with substitutes.

(c) Yes.

(d) Provisions already exist in the Drugs Act to check the sale of misbranded drugs. Several raids have been made by the Drugs Inspector and efforts are continuing to locate where the counterfeits are manufactured or stocked. Samples of drugs alleged to be spurious have been obtained by the Drugs Inspector and sent for analysis. Necessary action will be taken on receipt of the test reports.

Shri H. V. Kamath: When were these raids by the Drugs Inspector carried out—this year or last year?

The Honourable Rajkumari Amrit Kaur: Quite recently, as soon as complaints were received by my Ministry.

Shri H. V. Kamath: Have no arrests been made so far in this connection?

The Honourable Rajkumari Amrit Kaur: No, Sir. As I have already said, the analysis has to be made first before we take any action.

Ch. Ranbir Singh: May I know whether the suspected persons have been suspended or not?

The Honourable Rajkumari Amrit Kaur: I do not think anybody has been suspended so far.

Shri Ajit Prasad Jain: What is the number of cases in the hands of Government under investigation at the moment?

The Honourable Rajkumari Amrit Kaur: I would have to have notice of that question.

Shrimati Dakshayani Velayudhan: Is it a fact that pipe water is sold as medicine?

Mr. Speaker: Order, order. Next question.

DISPLACED GOVERNMENT SERVANTS

***770. Shri B. N. Munavalli:** (a) Will the Honourable Minister of **Home Affairs** be pleased to state the number of permanent displaced Government servants from West Pakistan who have been taken up in the Government of India service on a purely temporary basis?

(b) Do Government propose to absorb such servants permanently and if so, when?

(c) How many of such servants are on the verge of retirement?

The Honourable Sardar Vallabhbhai Patel: (a) and (c). The information is not readily available and cannot be collected without expenditure of time and effort in-commensurate with its utility.

(b) Permanent displaced Government servants are not *ipso facto* treated as permanent employees of the Government of India but as far as possible opportunities have been provided for their confirmation as and when vacancies arise.

Shri B. N. Munavalli: Some of these persons are on the verge of retirement. May I know whether Government proposes to give them pensions after their retirement?

The Honourable Sardar Vallabhbhai Patel: If the pensions are admissible under the rules they will be given.

Shri H. V. Kamath: As a result of the retrenchment recently effected by Government, have any of these refugee government servants in the Central Secretariat been thrown out of employment?

The Honourable Sardar Vallabhbhai Patel: I do not think so.

PRESS AND REGISTRATION OF BOOKS ACT, 1867

***771. Lala Raj Kanwar:** Will the Honourable Minister of **Education** be pleased to state:

(a) whether in pursuance of section 9 of The **Press** and Registration of Books Act, 1867 the requisite number of copies of every book printed in India are duly delivered to Government in all the provinces and Centrally Administered areas;

(b) what steps are being taken by Government to ensure that the provisions of the above section are strictly complied with:

(c) in which office of a provincial Government such books are deposited and how such books are finally disposed of; and

(d) the number of prosecutions launched in each province and Centrally Administered area for breaches of the provisions of section 9 of The Press and Registration of Books Act, 1867 during each of the last three years?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

PROJECTORS FOR VISUAL EDUCATION SOCIETY, BOMBAY

*772. **Shri H. V. Kamath:** Will the Honourable Minister of **Education** be pleased to state:

(a) whether the Visual Education Society, Bombay, has recently applied to Government for import of duty-free 16 mm film projectors used in schools and other educational institutions; and

(b) whether any decision has been taken thereon?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) No recent application from the Visual Education Society, Bombay, has been received by this Ministry.

(b) The question does not arise.

SAVING SCHEME FOR NON-GOVERNMENT EMPLOYEES

*773. **Shri H. V. Kamath:** Will the Honourable Minister of **Finance** be pleased to state:

(a) whether Government have under contemplation the introduction of any scheme for compulsory saving by employees in private concerns industrial, commercial, and otherwise, as has been done in the case of Government servants; and

(b) if so, on what basis?

The Honourable Dr. John Matthai: (a) and (b). The matter is under consideration.

Shri H. V. Kamath: When does Government expect to complete the consideration and take a decision in the matter?

The Honourable Dr. John Matthai: We are actively pursuing the matter.

Shri H. V. Kamath: Is it under active consideration or only under ordinary consideration?

The Honourable Dr. John Matthai: It is under very active consideration.

SEPARATION OF JUDICIARY FROM EXECUTIVE

*774. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of **Home Affairs** be pleased to state whether the Government of India have any intention to bring about complete separation of Judiciary from Executive in the Chief Commissioners' Provinces of Delhi and Ajmer-Merwara?

(b) If so, has any plan been evolved and by which date is it contemplated to bring about complete separation, and if not, why?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). Government propose to examine this question after some experience has been gained of the experiments that are being tried in U.P. and Madras.

Pandit Mukut Bihari Lal Bhargava: Is it the policy of the Government to bring about this separation or not?

The Honourable Sardar Vallabhbhai Patel: It is the accepted policy of the Government. But it depends upon the time and the circumstances under which steps could be taken.

Shri Ajit Prasad Jain: May I know whether the Honourable Minister has examined the scheme being followed in U.P. and Madras with a view to see whether there is or there is not actual separation of Judiciary from the Executive?

The Honourable Sardar Vallabhbhai Patel: We have not actually seen the working of the scheme in Madras and U.P., but we propose to examine them.

Shri Ajit Prasad Jain: I wanted to know about the scheme as laid down on paper, whether it does or does not actually effect separation of Judiciary from the Executive—not how it is working.

The Honourable Sardar Vallabhbhai Patel: I cannot say. But so far as Madras is concerned they have made the separation completely as an experiment in certain districts.

Shrimati G. Durgabai: May I know whether Government have received any report of the progress of the work done in Madras on the question of separation of Judiciary from the Executive and if so, whether the results are satisfactory?

The Honourable Sardar Vallabhbhai Patel: The matter has not reached a stage when a report can be made.

INTERNATIONAL INSTITUTE OF EDUCATION, (SCHOLARSHIPS)

*775. **Shri Brajeshwar Prasad:** Will the Honourable Minister of Education be pleased to state:

(a) whether it is a fact that the American Embassy, New Delhi, sent to the Government of India in August, 1949 the preliminary application forms for scholarships in Social Sciences, offered and arranged by the International Institute of Education, New York;

(b) whether it is a fact that the Embassy requested the Government of India to recommend the names and forward the applications of 48 University students by 1st December, 1949;

(c) whether it is a fact that the applications have not as yet been sent to the Embassy;

(d) whether it is a fact that the applications of the candidates who have directly submitted them to the Chief Public Affairs Officer, American Embassy, New Delhi, have been forwarded to the International Institute of Education, New York;

(e) whether any application has been forwarded by the Government of India to the American Embassy after 1st December, 1949; and

(f) whether it is a fact that the applications if sent after 1st December, 1949 will not be entertained by the Embassy?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) The American Embassy at New Delhi sent its offer together with a set of prelimiuary application forms on 7th November 1949.

(b) The Embassy requested that the recommendations of the Government of India together with suitable applications may be sent to them by the first week of December, 1949.

(c) No. All applications received up to 8th December, 1949 were sent to the U.S. Embassy on that date. Applications received thereafter have been withheld as they could not be entertained by the U.S. Embassy.

(d) It is understood from the U.S. Embassy that after consideration of the applications received by them from all over the country including those forwarded by the Ministry of Education, the applications of 48 candidates have been passed on to the International Institute of Education, New York.

(e) Yes, applications received upto 8th December have been sent.

(f) No. It is understood that all applications forwarded by the Government of India on 8th December, were considered by the U. S. Embassy before the preliminary selection was made.

*776. [WITHDRAWN]

BURMA EVACUEES

*777. **Prof. N. G. Ranga:** Will the Honourable Minister of **Home Affairs** be pleased to state:

(a) whether Government are aware that a large number of Burma evacuees have returned to Vizagapatam district;

(b) if so, how many they are;

(c) whether any relief (either lump-sum or monthly payments) is being given to them until they are able to rehabilitate themselves; and

(d) whether in view of the fact that so many evacuees used to work in the saw-mills in Burma the Government will consider the advisability of persuading the Government of Madras to establish saw-mills in Vizagapatam district, where there are plenty of forests, so that these evacuees could find employment?

The Honourable Sardar Vallabhbhai Patel: (a) to (d). The question should have been addressed to the Honourable the Prime Minister. It has accordingly been transferred to the list of questions for 22nd December, 1949, when the Honourable the Prime Minister will answer it.

SECURITY MEASURES IN ASSAM

*778. **Prof. N. G. Ranga:** (a) Will the Honourable Minister of **Home Affairs** be pleased to state whether the attention of Government has been drawn to the statement of the Honourable Premier of Assam which appeared in the *Hindustan Times* dated the 5th December, 1949 regarding the security of Assam in view of the latest events in China?

(b) What steps have Government taken to strengthen the security measures in Assam on both the Burma and Pakistan Borders?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) It is not in the public interests to detail the steps taken by Government in this matter, but I can assure the Honourable Member that appropriate steps are being taken.

Sjt. Kuladhar Chaliha: May I know if the outposts at Aizal in Lushai Hills and Palel and Tamu in Manipur Hills have been strengthened?

The Honourable Sardar Vallabhbhai Patel: So far as I know, the strength there is, according to the report of the Assam Government, adequate.

Sjt. Kuladhar Chaliha: Under the present conditions across the border, have Government considered whether further strengthening of these outposts is necessary or not?

The Honourable Sardar Vallabhbhai Patel: So far as the defence strength is concerned, the Central Government is of the opinion that it is quite adequate.

EDUCATION THROUGH RADIO

†*779. **Giani Gurmukh Singh Musafir:** (a) Will the Honourable Minister of **Education** be pleased to state whether any scheme has been prepared by Government to impart education through radios?

(b) If so, what plans have been prepared so far in this respect?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) and (b). As early as 1944 on the recommendation of the Central Advisory Board of Education the Provincial Governments were requested to provide requisite facilities for school children to enable them to take advantage of educational broadcasts. But lack of funds prevents the supply of Radio receivers to schools in adequate numbers; however, attempts are being made to popularize the use of audio-visual aids in education.

In our schemes of Basic and Social Education it has been seen that the fullest use is made of the opportunities offered by the radio and the film. It is a great pity indeed that owing to the financial stringency these schemes could not be implemented so far.

MERGER OF KHASI STATES

*760. **Shri G. S. Guha:** (a) Will the Honourable Minister of **States** be pleased to state whether the Khasi States of Assam, which have been included in the Sixth Schedule in the new Constitution of India, have been merged in the province of Assam?

(b) If so, has any of the Rulers of the Khasi States executed the Instrument of Merger?

(c) What is the present status of the Khasi Rulers and their Durbars?

(d) In the case of merger of their states, will these rulers be given any privy purses or allowances?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). No Instrument of merger has been executed but the States will be administered as part of Assam under the Sixth Schedule to the new Constitution.

(c) The Siems were recognised as such by Government and they executed an Instrument of Accession and a Standstill Agreement in accordance with which the administration of the territories is being carried on. Subject to the provision of these Instruments the Siems and their Durbars are at present functioning as before.

(d) Does not arise.

Shri G. S. Guha: If there has been a merger, how can these chiefs retain the status of Rulers?

† Answer to this question laid on the table, the questioner being absent.

The Honourable Sardar Vallabhbhai Patel: Many States have been merged but the status and dignity of the Rulers have been guaranteed.

Sjt. Kuladhar Chaliha: Will they still rule as before?

Mr. Speaker: There has been a merger. How does the question arise?

Shri G. S. Guha: Without the instrument of merger, can there be a merger?

Mr. Speaker: He is enquiring on a question of procedure.

Sjt. Kuladhar Chaliha: What privileges will they continue to enjoy after merger?

The Honourable Sardar Vallabhbhai Patel: The privileges which they used to enjoy before.

Railways or Road Links of Kutch Ports

*781. **Prof. K. T. Shah:** (a) Will the Honourable Minister of States be pleased to state what steps are being taken to develop and utilise the other ports of Kutch by constructing appropriate connecting railways or roads from the ports to the interior?

(b) What grants have been made to supplement the finances of the Chief Commissioner's province of Kutch during 1948-49, and budgetted for during the current year (1949-50) with special reference to building of roads and railways or irrigation works to guard against the frequent threat of famine in Kutch?

The Honourable Sardar Vallabhbhai Patel: (a) The Government of India have received certain proposals from the Chief Commissioner, Kutch, for the development of facilities in ports in Kutch other than Kandla. These proposals are at present being scrutinised by our technical experts. As soon as technical advice is available, the question would be further considered. Meanwhile, earthwork on roads connecting the ports of Mundra, Jakhau and Lakhpat to the interior is in various stages of completion.

(b) A sum of Rs. 61·53 lakhs was sanctioned in connection with famine relief operations in Kutch during 1948-49 and 1949-50. Of this amount, 14·34 lakhs were utilised for the development of irrigation facilities, 13·19 lakhs for improvement and construction of roads, and Rs. 5 lakhs for the deepening of village tanks. We have also made a provision of Rs. 12 lakhs in the budget for 1950-51 for irrigation works in Kutch.

Shri H. V. Kamath: What are the ports recommended for development by the Regional Commissioner, Kutch, besides Kandla?

The Honourable Sardar Vallabhbhai Patel: Kandla is the only major port recommended for development.

Woolner Collections of Manuscripts at Lahore

*782. **Shri Ajit Prasad Jain:** Will the Honourable Minister of Education be pleased to state:

(a) whether the Woolner collections at Lahore consisting of some 10,000 manuscripts in Sanskrit, Pali, Prakrit and other Indian languages formed part of the assets divisible between India and Pakistan;

(b) if the answer to part (a) above be in the affirmative, how the matter was dealt with; and

(c) whether the Government of India propose to approach the Government of

Pakistan for the transfer of their shares of the manuscripts or for obtaining their micro-film copies?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) and (b). The questions raised are essentially provincial matters and have not been taken up at the Inter-Dominion Conference level in the absence of a request from either of the two provincial Governments concerned.

(c) A copy of the question and the reply will be forwarded to the Government of the East Punjab for any Action they consider necessary.

Shri H. V. Kamath: Is it not a fact that this matter of manuscripts and other old documents came up for consideration at the first meeting of the Partition Council held in June or July, 1947? In that case how could it be a Provincial matter?

Mr. Speaker: Order, order. He can ask on post-partition matters.

Shri H. V. Kamath: But is it not a fact that it came up before the first meeting of the Partition Council just before transfer of power?

The Honourable Shri Satyanarayan Sinha: I have no information. I would like to have notice of the question.

Shri M. Tirumala Rao: Does not the Central Government control all the archives and the ancient monuments under its own jurisdiction?

The Honourable Shri Satyanarayan Sinha: No, not all.

Shri M. Tirumala Rao: Don't these manuscripts come under the Central Government because they deal with archives and old manuscripts?

Mr. Speaker: Order, order. He is now arguing.

Shri H. V. Kamath: Under the jurisdiction of which Province is this matter?

The Honourable Shri Satyanarayan Sinha: East Punjab.

Shri H. V. Kamath: On the other side?

The Honourable Shri Satyanarayan Sinha: The West Punjab Government.

Shri Mahavir Tyagi: If the matter stands between East Punjab and West Punjab, then shall I take it that the West Punjab is also one of the Provinces?

Mr. Speaker: Province of what?

Shri Mahavir Tyagi: Of India.

Shri H. V. Kamath: Before the transfer of power to India and Pakistan by the British Government, was this subject under Provincial jurisdiction or Central jurisdiction?

The Honourable Shri Satyanarayan Sinha: I think it was under Provincial jurisdiction, but I canot say definitely.

Shri H. V. Kamath: Is it a Provincial subject?

Mr. Speaker: Order, order. No arguments.

Books in Libraries

28. Lala Raj Kanwar: Will the Honourable Minister of **Education** be pleased to state:

(a) the total number of books kept in (i) the Central Secretariat Library, New Delhi, and (ii) the India Library, Calcutta.

(b) of the above how many books are in (i) Hindi, (ii) English, and (iii) all other Languages; and

(c) the amount spent on the purchase of books in the libraries mentioned in part (a) above during each of the last three years?

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): (a) (i) 73,297, (ii) 4,46,263 (This figure is in respect of the National Library, Calcutta as there is no India Library in Calcutta.)

(b) (i) Five in the Central Secretariat Library and 2,974 in the National Library, Calcutta, (ii) 72,792 in the Central Secretariat Library, New Delhi and 3,84,825 in the National Library, Calcutta, (iii) 500 in the Central Secretariat Library, New Delhi and 58,464 in the National Library, Calcutta.

(c) Approximately Rs. 15,000 for the year 1946-47, Rs. 20,000 for the year 1947-48 and Rs. 24,000 for the year 1948-49. A detailed statement is laid on the Table of the House.

STATEMENT

Details of expenditure incurred on acquisition of books during the last three years in the Central Secretariat Library, New Delhi and National Library, Calcutta.

Name of the Library.	Amount spent during 1946-47.	Amount spent during 1947-48.	Amount spent during 1948-49.
	Rs.	Rs.	Rs.
(i) The Central Secretariat Library, New Delhi.	7,000-0-0	13,700-0-0	13,098-0-0
(ii) The National Library, Calcutta.	8,078-0-8	6,262-12-10	10,878-6-10
TOTAL	15,078-0-8	19,962-12-10	23,976-6-10

Surplus Railway Audit Staff

29. Shri Damodar Swarup Seth: Will the Honourable Minister of **Finance** be pleased to state the position regarding the Gazetted Officers, Accountants, S.A.S. qualified clerks and others rendered surplus in the various Railway Audit Offices as a result of the partition of India and the action so far taken to absorb them finally?

The Honourable Dr. John Matthai: All the staff rendered surplus in the Railway Audit Branch as a result of partition have been absorbed in one capacity or other in the Railway Audit Offices themselves or elsewhere. Due to the abolition of a number of permanent posts in the Railway Audit Branch, the permanent surplus staff were taken against supernumerary permanent posts some of whom have since been absorbed in permanent vacancies which occurred subsequently. The number of such staff still remain to be absorbed in permanent regular posts are:

Auditors, 8.

Upper Division clerks, 11.

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume VII, 1949

(19th December to 24th December, 1949)

Sixth Session
of the
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1949

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 20th December, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(*See Part I*)

11-44 A.M.

RIGHTS AND PRIVILEGES OF MEMBERS

Pandit Govind Malaviya (U.P.: General): Sir, may I crave your indulgence to allow me to raise before you a point regarding the privilege of Members of this House?

Mr. Speaker: I have, in this connection of raising of points, already told the House a number of times that, any Member wishing to raise any point or to make a suggestion, should first see me in my Chamber, so that I can know what matter is going to be raised and thereby the time of the House might be saved. The hon. Member might see me in my Chamber and raise the point tomorrow.

Pandit Govind Malaviya: May I take half a minute not about the point but just to say that I am extremely sorry I was not present in the House when you were pleased to make that ruling. I was not aware of it. I wish to raise a point with regard to an urgent matter. If you permit me, I will do so.

Mr. Speaker: I do not think I should depart from the wholesome practice of the Member being required to see me first. Otherwise there is always the chance of the discussion going offhand. Therefore, the hon. Member may see me in the Chamber when I retire. He may raise the point at 2-30, if he likes.

Pandit Govind Malaviya: Thank you, Sir.

Mr. Speaker: Provided, of course, I agree to it.

Pandit Govind Malaviya: Of course.

ANNOUNCEMENT *RE* RULES OF PROCEDURE AND CONDUCT OF BUSINESS

Mr. Speaker: I have to make an announcement to the House, as I said yesterday, with reference to the Rules of Procedure and the Committee that this House had appointed for the purpose of considering amendments to the rules.

[Mr. Speaker]

Hon. Members will remember that in the 1948 Autumn Session, I appointed a Committee under my Chairmanship for examining the existing Rules of Procedure and the Conduct of Business of the Assembly. Hon. Members were invited to make suggestions for consideration by the Committee. As no suggestions had been received, I reminded the hon. Members of the matter during the last Budget Session and I had to extend the time for making such suggestions as hon. Members might have in view. This opportunity also was not availed of and no suggestions were received from any one.

In the meantime, in order to prepare the ground for the work of the Committee, I myself considered the question and recorded my opinion on various matters of procedure in a note, which I forwarded to the Government for an expression of their views on the important matters of procedure, including financial procedure, that were raised in the note.

While the proposals that I made were being examined by the Government, Constitution-making made rapid progress and the Constitution of India has now been finally adopted by the Constituent Assembly. As some of the matters that I had raised in my note were of considerable importance, I came to the conclusion that the suggestions that I had made should be brought to the notice of the Drafting Committee presided over by the hon. Minister of Law, Dr. B. R. Ambedkar. My suggestions were carefully examined and the more important points now form part of the Constitution of India. I would invite, in particular, the attention of hon. Members to the provision in regard to the special address by the President at the commencement of every session. This corresponds to the King's speech in the House of Commons and is both an act of State and a Government pronouncement of importance, the responsibility for which rests wholly with the Cabinet. Time will be allotted for discussion of the matters referred to in the address and there will, in effect, be a general debate upon the policy of the Government as outlined in the President's speech. This is a suitable method of starting the business of the session both for constitutional and practical reasons, and I hope the time devoted to it each session will be well spent.

The procedure in financial matters has been completely re-cast and the modern system of votes on account, votes of credit and exceptional grants has been put in the Constitution. It will no longer be necessary for the House to vote all the demands for grant by the 31st of March. Provision has also been made for the passing of Appropriation Bills. A consolidated fund of the revenues of India has also been constituted. I will not refer to these matters in detail as hon. Members are already familiar with them.

Another important provision of the Constitution relates to the powers, privileges and immunities of each House of Parliament and of the Members and Committees of each House. In the first instance, this provision only related to the privileges of Members, but at my request, the provisions were expanded so as to include the privileges not only of Members but of each House of Parliament and of its Committees. The privileges of the House are now co-extensive with those of the Parliament of the United Kingdom and include the power to initiate proceedings against any one who is guilty of the offence of contempt of Parliament. It was in the fitness of things that the sovereign Parliament of India should be endowed with these powers.

It has also been provided that, until Parliament otherwise provides by law, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of Members of the House. This is in conformity with the position as it stands at the present time and has worked well in practice.

Hon. Members will observe that the fundamental matters relating to procedure have been adopted in the Constitution. There are now a few matters of lesser importance which are under consideration and will find a place in the Rules of Procedure in due course. I have in mind the suggestion regarding the allotment of time to private Members for debate at the end of the business on certain days, the formation of an Estimates Committee, the suggestion for having a financial memorandum attached to every Bill which involves expenditure, and the reform of the prooedure relating to Committees. It is obvious that these matters require very careful consideration and some of them are, at present under active consideration.

As hon. Members are aware, I have been empowered under the provisions of the Constitution to adapt the Rules of Procedure which will apply to the Parliament which will come into existence on the 26th of January 1950. Such of the suggestions as have received careful consideration and are ripe for adoption will be incorporated in the new Rules which will be adapted under my directions. The remaining suggestions will, of course, be considered by the House itself or any Committee appointed by it in due course when the House considers the Rules of Procedure under the relevant provision of the Constitution.

In view of the position that I have stated above, there remains nothing for the Committee formed about a year ago and I do not, therefore, think it necessary or convenient to convene, at this stage, any meeting of the Committee. The matter will now be dealt with when the Parliament begins to function.

Shri H. V. Kamath (C.P. and Berar: General): May I invite your attention to the fact that upon the receipt of these draft Rules of Procedure and Conduct of Business—I suppose this was referred to in your Statement—several of us, at least a few of us, gave notice of amendments to these rules and, so far as I can recollect, you announced in the House that those amendments given notice of by Members would be taken as suggestions for the Committee. That is one point.

Secondly, you were good enough to state just now that the privileges, immunities and rights of the Members of this House would be co-extensive and practically identical with those enjoyed by the Members of the House of Commons in the United Kingdom. Will you be so good as to let the Members of this House have a copy of those privileges, immunities and rights enjoyed by M.Ps. in the U.K.? Most of us are not quite cognisant of that matter of privileges enjoyed by M.Ps. in England.

Mr. Speaker: I can clarify the position. What I had received were some amendments, most of which were of a verbal character.

Shri H. V. Kamath: No, Sir. Some of them were substantial.

Mr. Speaker: May be, but very few. What I wanted were really suggestions in regard to the general lines and points which hon. Members would like to have included in the Rules of Procedure. It was for that purpose that I again reminded the House, as I stated just now in the Statement, and I was awaiting the receipt of these. In the meanwhile, as I have stated, the Constitution itself has now adopted a number of those suggestions. So there practically remains nothing to be done so far as the Committee is concerned. Of course, as this House will not be in existence after the 26th of January 1950 any discussion of the rules by this House or a Committee of this House will be more academic than useful.

Shri H. V. Kamath: Have those amendments lapsed now? What has happended to them?

Mr. Speaker: They have lapsed already and when the House sits under the new Constitution on the 26th January 1950 or at a later date, it will be governed by the new Constitution, and the Rules of Procedure will survive because a provision in the Constitution has given me power to adapt the rules to meet this situation. Hence the Statement I have made just now. We shall consider that matter later on.

As regards knowing the rights and privileges of Members and all that, I would advise hon. Members to carefully go through a big volume called "May's Parliamentary Practice" which gives all details about the privileges of the Members in the House of Commons. It is not possible to take them out separately, have a compilation and then print them at short notice.

Shri H. V. Kamath: May I request you to direct the Secretariat of this Assembly to give us a brief resume of them?

Mr. Speaker: The hon. Member will see that if we were to take anything *en bloc*, perhaps—as the Secretary tells me just now—we might infringe the copyright of somebody somewhere. The best course is, therefore, to make a reference to the book and if and when an occasion arises we shall see as to whether it is a matter of privilege or not.

Pandit Lakshmi Kanta Maitra (West Bengal: General): What copyright are you referring to, Sir, in regard to these privileges?

Mr. Speaker: I do not propose to argue that matter now. What I was referring to was May's 'Parliamentary Practice'—it is a well-known book.

Shri Mahavir Tyagi (U.P.: General): There is one difficulty about what you said, Sir. I could not yet understand as to how the next session of the Parliament will be summoned, for the President will be elected only two or three days earlier. Will due notice be given to the Members?

Mr. Speaker: I think it is a problematical question which the hon. Member is raising; but I may assure him that everything will be seen or attended to, with a view to seeing that nothing illegal takes place.

I am told that His Excellency the Governor General is being authorised for the purpose and there will, therefore, be no difficulty.

Shri B. K. Sidhva (C.P. and Berar: General): Sir, in regard to the rights and privileges of the Members of Parliament, the hon. Dr. Ambedkar who piloted this Constitution, when asked to define what they were, replied that he himself was unaware of them. He was not able to supply any information. To avoid any kind of confusion it is very necessary that we must have some sort of a guide of our rights and privileges. It seems there is nothing existing in the Library.

Mr. Speaker: I think it is no use entering into any argument. I do not know what the hon. Dr. Ambedkar said, but I cannot believe that he is unaware of the privileges of the House. But the privileges will be found by referring to any book on Parliamentary Practice and hon. Members will do well to study those books. We will now proceed to the Legislative Business.

BANKING COMPANIES (AMENDMENT) BILL

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move for leave to introduce a Bill to amend the Banking Companies Act, 1949.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Banking Companies Act, 1949."

The motion was adopted.

The Honourable Dr. John Matthai: Sir, I introduce the Bill.

PATENTS AND DESIGNS(EXTENSION OF TIME) BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move for leave to introduce a Bill to provide in the case of displaced persons for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide in the case of displaced persons for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder."

The motion was adopted.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I introduce the Bill.

UNDESIRABLE IMMIGRANTS (EXPULSION FROM ASSAM) BILL

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Transport and Railways): Sir, I beg to move for leave to introduce a Bill to provide for the expulsion from Assam of undesirable immigrants.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the expulsion from Assam of undesirable immigrants."

The motion was adopted.

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I introduce the Bill.

BUSINESS OF THE HOUSE

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): With your permission, Sir, I would, on behalf of Government, like to announce the programme of the Government business for the rest of the session.

There are two Bills which Government want to be postponed to Budget Session, 1950, after formal motion. They are the Estate Duty Bill and the Ajmer-Merwara Tenancy and Land Records Bill.

The following is the business which Government would like to put through before the session concludes.

There are two resolutions: (i) Extension of Controls and (ii) Revision of Convention relating to separation of Railways from General Finance.

Then come the Bills. They are: Cinematograph Amendment Bill, The Delhi Premises (Requisition and Eviction) Amendment and Validation Bill, Imports and Exports (Amendment) Bill, The Professions Tax Limitation (Amendment and Validation) Bill, Taxation Laws (Extension to Merged States) Amending Bill, The Central Reserve Police Force Bill and The Police Bill.

[Shri Satyanarayan Sinha]

Then there are supplementary demands relating to Railways and General Finance.

The following are the Bills, Sir, which, if time permits we would like to put through: The Banking Companies (Amendment) Bill, The Industrial Disputes (Appellate Tribunal) Bill, The Mines Bill, The Air Force Bill, The Army Bill and The Administration of Evacuee Property Bill.

I have to make one request, Sir. In view of the urgency of some of this Government business and also in view of the fact that we have decided that we are not going to sit beyond Saturday, I would suggest that the House may sit for one hour more (that it till 6 P.M.) every day till Saturday.

Shri Ajit Prasad Jain (U.P.: General): Sir, Government promised on the floor of the House that they were going to allot a day for the discussion of the sugar muddle. Obviously that means that Government will come out with some proposal in the form of a resolution. I do not find any mention of it in the list read out by the hon. Minister of State.

Mr. Speaker: The hon. Member was not, perhaps, present yesterday. It was specifically mentioned yesterday that some time would be allotted to the sugar discussion.

Shri Ajit Prasad Jain: The doubt arose in my mind because there was no mention of it in the list read out by the hon. Minister of State.

Mr. Speaker: That statement is made with reference to my remark yesterday that Government should give an idea of the legislative measures which they want to be put through during this session.

Shri R. K. Sidhva (C.P. and Berar: General): The hon. Minister of State stated that the House should sit till 6 o'clock. Yesterday, in reply to the same suggestion, you stated that you were personally not in favour of sitting beyond five. Let me tell you, Sir, that some of us after five o'clock have to study papers and if you take one hour from us, it would not be possible for us to study the agenda for the next day. I do not think it is fair to the House. Nor do I think that Government expect us to come here unprepared and assent to whatever they say. Some of us work right up to 11.30 P.M. Surely, it is unfair that one hour of our time should be taken.

Mr. Speaker: I am in entire sympathy with the conclusions of the hon. Member, though for separate and different reasons. I need not say what my reasons are. But, if we have to put through the work there are two methods of doing it: either hon. Members must be very short in their speeches and absolutely to the point avoiding all repetitions or we must sit longer hours. I do not want any hon. Member to carry a feeling that he has not been permitted to speak as much as he would like to, though it is not possible often times to allow Members to have all their own way. Therefore, if the Members make shorter speeches, I have no objection to get up at five.

Dr. P. S. Deshmukh (C.P. and Berar: General): Shorter speeches can only be made after more preparation.

Mr. Speaker: All these arguments are alive in my mind, but sometimes I feel that it is better to thoroughly study fewer measures and fewer subjects rather than try to study all.

I am coming to conclusions in view of my own capacities and other people might be estimating their capacities differently, and I have no quarrel with

that situation. Therefore, if our progress is quite good, then later on, we may not sit up to six and we may finish by five. It is only a question of three or four days. These Bills have been before this House for a long time; hon. Members have tabled amendments long before and there is nothing new to be done now. If Government were to bring in at this stage any new measure, which requires study, I could understand the argument, but their time is taken away.....

An Honourable Member: Three Bills were introduced today.

Mr. Speaker: They are not coming; they are merely introduced. I do not think they are included in the list of priorities, Hon. Members will get ample time from now till the next session of the Parliament.

Shri Mahavir Tyagi (U.P.: General): I want to know, Sir, whether Government takes your permission or at least sanction about the volume of business that they want to do in this House. I submit, Sir, that it is for you to see how much time ought to be spent and how many Bills ought to be discussed.

Mr. Speaker: Order, order.

Shri B. L. Sondhi (East Punjab: General): We are absolutely being treated as sweated labour. There is a Select Committee meeting at 9·30 and at the end of the day's sittings, there is another meeting at 5.15 P.M. On top of all, there are advisory committees. In fact I do not know how many committees there are.

Mr. Speaker: The other business may be adjusted later on. Now any more time taken means sure extension up to six o'clock.

Pandit Thakur Das Bhargava (East Punjab: General): I suggest that lunch time may be curtailed by an hour and we may sit till 5.30 P.M.

Shri Mahavir Tyagi: I think they are taking too much advantage of the absence of an Opposition.

Mr. Speaker: It is no use passing any remarks or complaining. After all, we must take into consideration the collective will and the collective convenience. It is not possible to meet the convenience of each one or the will of each one.

As regards the arrangement for the agenda, I might assure hon. Members that I am consulted in the matter, but I must also admit that, after all, I can only make an estimate. The Government are the proper judge of the urgency of a particular measure, and I can only judge roughly as to what time is likely to be taken up. Some times our estimates go wrong and a matter which is considered to be a matter of 15 minutes or an hour takes perhaps days, just as on certain questions, supplementaries go to the length of ten minutes. Therefore, one cannot help these things. We have already taken 15 minutes over this now.

Shri H. V. Kamath (C.P. and Berar: General): May I request you, Sir, to see that at least, at the commencement of the Provisional Parliament the business of the House would be so arranged as to provide for a longer session rather than unduly long hours every day?

Mr. Speaker: That is a suggestion which will be considered both by Government and other Members also. I can only request and advise. Now we will proceed with the further consideration of the Bill.

Shrimati G. Durgabai (Madras: General): May I know, whether the Question Hour could be suspended in order to give some more time to hon. Members like Mr. Sidhva for preparation?

Mr. Speaker: Order, order. Unless hon. Members are absolutely unanimous on that point, I shall not be willing to suspend the Question Hour.

CINEMATOGRAPH (SECOND AMENDMENT) BILL—*contd.*

Mr. Speaker: Now we will proceed with the further consideration of the Bill further to amend the Cinematograph Act, 1918. Clause 6 was under discussion yesterday.

Dr. Mono Mohon Das (West Bengal: General): Sir, I move:

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 7 of the Cinematograph Act, 1918, after the words 'breach of the peace,' the words 'or resentment among a certain section of the public' be inserted."

Sir, this sub-section (1) of the proposed section 7 deals with or describes the condition under which the Provincial Government or any officer under the Provincial Government can impose a ban upon the exhibition of certain films. Sir, it is stated here that the only condition that will be taken into consideration for the imposition of the ban is the breach of peace. Whenever a Provincial authority finds that there is a prospect of a breach of peace, then and then only the Provincial Government will be allowed to impose a ban upon the exhibition of a certain film.

My amendment proposes, Sir, to add one more condition to this condition already enumerated in the Bill, namely the breach of peace. My amendment proposes to add another condition, namely, whenever the exhibition of any film causes or tends to cause resentment among a certain section of the public, then also the Provincial Government should be authorised to impose a ban upon the exhibition of a film. Sir, a breach of peace is the ultimate and the accumulated result of continued dissatisfaction or resentment among a certain section of the public. There can be no breach of peace until and unless a certain section of the public or some people are highly dissatisfied or exasperated. Therefore, Sir, resentment and dissatisfaction among a certain section of the public are the pre-requisite conditions, conditions, which must precede a breach of peace. It may be argued, Sir, that the words "breach of peace" also means resentment among a certain section of the public, but in my judgment, it appears that there is a difference of degree between 'breach of peace' and creation of resentment among a certain section of the public. The exhibition of a certain film may cause resentment and dissatisfaction among a certain section of the public but not to the degree of causing a breach of peace. Moreover, Sir, what is the object of exhibiting a film? The main object is to give recreation, to give relaxation, to entertain, to give amusement to the general public, but if instead of giving recreation or relaxation or amusement or entertainment to the general public, the exhibition of a certain film wounds the feeling of a certain section, creates dissatisfaction and resentment among a certain class of people, then, Sir, it defeats its own purpose. Therefore, Sir, I have proposed that another condition, namely, the creation of resentment among a certain section of the public should also be added to the condition which has been laid down in the Bill, namely, 'breach of peace' under which the Provincial Government or some officers under this Government are entitled to impose a ban upon a film. I hope, Sir, the hon. Mover of the Bill will be kind enough to consider my proposition and accept my amendment.

Mr. Speaker: Amendment moved:

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 7 of the Cinematograph Act, 1918, after the words 'breach of the peace,' the words 'or resentment among a certain section of the public' be inserted."

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): I am not accepting that amendment. It is not at all necessary. It is covered by the words "breach of the peace".

Dr. Mono Mohon Das: I beg to withdraw my amendment.

Mr. Speaker: Has the hon. Member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Shri Basanta Kumar Das (West Bengal: General): Sir, I move:

"That in clause 6 of the Bill, in sub-section (2) of the proposed section 7 of the Cinematograph Act, 1918, the following be added at the end:

'and in case of confirmation the Provincial Government shall forward a copy of such order to the Central Government'."

I only want, Sir, that the Central Government or the Central Authority must be in the know of things, if a District Magistrate or a Commissioner passes an order of suspension for two months.

The Honourable Shri R. R. Diwakar: I do not propose to accept this amendment.

Mr. Speaker: Does the hon. Member press the amendment?

Shri Basanta Kumar Das: I do not press, Sir.

Dr. Mono Mohon Das: Sir, I move:

"That in clause 6 of the Bill, in sub-section (3) of the proposed section 7 of the Cinematograph Act, 1918, for the words 'refer the matter to the Central Government for decision.', the words 'prolong the period of suspension.' be substituted."

Sir, this sub-section (3) of the proposed section 7 describes the procedure to be followed by the Provincial Governments, if, in their judgment, they think that the ban imposed upon the exhibition of a certain film should be extended for a period more than two months. The procedure that has been laid down here is that the Provincial Government will refer the matter to the Central Government, and the Central Government in their infinite wisdom, from a thousand miles away, will have the authority to continue the imposition of the ban upon that particular film. If my amendment is accepted, then, the sub-section will read thus:

"No order made under this section shall remain in force for more than two months, but the Provincial Government may, if it is of opinion that any such order should continue in force for a further period, prolong the period of suspension."

My amendment proposes to give into the hands of the Provincial Governments the entire authority, the entire power to prolong the ban imposed upon a certain film, if in their judgment it is thought likely that the film will cause a breach of the peace in the locality. The maintenance of law and order is an entirely Provincial Subject. It forms Entry No. 1 of the State List in our new Constitution. Moreover, Amusements, Entertainments, Theatres, Dramatic Performances, Cinemas have also been placed in the State List, Entry No. 33. Only the authority to sanction cinema films for exhibition has been entrusted into the hands of the Centre. Due to this authority which

[Dr. Mono Mohon Das]

has been given by Entry No. 80 of the Union List of the new Constitution, the Central Government now comes forward to take away from the hands of the Provincial Government the right to extend the ban which has been essentially necessary even for the maintenance of peace and order in the province.

Sir, I can understand the arguments put forward that a strong Central Government is essential for the welfare of this country. But, I do not understand, I cannot understand this unhealthy greed for power on the part of the Centre at the expense of the Provincial Governments. I cannot understand this attempt to bind down the hands and feet of the Provincial Governments even in matters of law and order, even in matters of maintenance of peace in the Provinces. I know that the cinema industry of our country has occupied a very soft corner in the hearts of everybody: not only of the general public, but also of the Government. The otherwise shy capitalists of the country do not mind investing their wealth upon the cinema industry. Ladies and gentlemen of our middle classes who are very vocal about their difficult financial circumstances, find enough money to bestow their patronage upon their beloved cinema stars. Moreover, the Ministry of Commerce, in spite of the fact that there is a great dearth of foreign exchange in our country, does not mind spending a few lakhs of Rupees for importing cinema materials. Our Ministry of Industry and Supply, in spite of the fact that there is a great scarcity of building materials in the country, do not mind sanctioning huge quantities of building materials for construction of cinema houses in different parts of the country.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): The hon. Member is entirely wrong. The Government of India has not given any sanction for any cinema houses.

Dr. Mono Mohan Das: I stand corrected. Our Ministry of Information and Broadcasting comes forward stretching their arm to protect the cinema industry from the tyranny of the Provincial Governments. Yesterday, the hon. Minister told this House that our country is second only to the United States so far as the cinema industry is concerned. I do not know whether there is any other industry in which India stands second to the United States of America. It is a matter of great misfortune that the cinema industry.....

Mr. Speaker: Order, order. The hon. Member is going into a much wider field of discussion. After the debate at the consideration stage, he has now to restrict himself only to the amendment concerned. He is going into the general question; that is not permissible.

Dr. Mono Mohon Das: However, Sir, I resent very much this encroachment of the Central Authority on the Provincial Governments and I hope that the hon. the Mover of this Bill will accept my amendment and allow the Provincial Governments to enjoy the power which they have been enjoying so long.

Mr. Speaker: Amendment moved :

"That in clause 6 of the Bill, in sub-section (3) of the proposed section 7 of the Cinematograph Act, 1918, for the words 'refer the matter to the Central Government for decision.', the words 'prolong the period of suspension.' be substituted."

The Honourable Shri B. R. Diwakar: I am not accepting the amendment.

Mr. Speaker: Does the hon. Member press his amendment?

Dr. Mono Mohan Das: Yes, Sir.

Mr. Speaker: The question is:

"That in clause 6 of the Bill, in sub-section (3) of the proposed section 7 of the Cinematograph Act, 1918, for the words 'refer the matter to the Central Government for decision.', the words 'prolong the period of suspension.' be substituted."

The motion was negatived.

Shri Basanta Kumar Das: Sir, I move:

That in clause 6 of the Bill, in clause (a) of sub-section (2) of the proposed section 9 of the Cinematograph Act, 1918, the following be added at the end:

'with representatives from various interests particularly from educationists and the industry concerned'."

Sir, as I was not present in the House, I had no opportunity to hear the hon. Minister and to know as to how he will constitute the Central Authority. I think the main interests concerned in this matter are the interests of the educationists and the industry. I want that the film industry in this country should be turned to the advantage of education. That should be the first and foremost duty of the film industry in this country.

That can be done only through the help of the educationist and the co-operation of the industry. Therefore, I want that there must be some indication that their representatives will be there in the Authority. Therefore, I have tabled this amendment.

Mr. Speaker: Is the hon. Minister accepting it?

The Honourable Shri R. R. Diwakar: I do not propose to accept it.

Shri Basanta Kumar Das: I do not press is, Sir. Sir, I move:

"That in clause 6 of the Bill, after clause (g) of sub-section (2) of the proposed section 9 of the Cinematograph Act, 1918, the following new clause be added:

'(h) the manner in which a non-adult guilty of surreptitiously witnessing a film restricted to adults may be dealt with'."

Sir, it is provided that if a film exhibitor be guilty of showing a film to unauthorised persons, he will be dealt with according to law but it is nowhere provided that if a non-adult person is guilty of a similar offence, he will be punished. I want it to be provided in the rules.

The Honourable Shri R. R. Diwakar: I do not accept it. The responsibility is already laid on the exhibitor and it cannot be laid again on non-adults.

Shri Basanta Kumar Das: I do not press it.

Shri R. K. Sidhva (C. P. and Berar: General): There is an amendment standing in my name. I would like to make a change. I move:

"That in Clause 6, after sub-section (4) of the proposed Section 9, the following sub-section be inserted:

'(5) All rules made by the Central Government under this Act shall be laid before the Dominion Legislature as soon as may be after they are made'."

The Honourable Shri R. R. Diwakar: I accept the amendment.

Mr. Speaker: The question is:

"That in Clause 6, after sub-section (4) of the proposed Section 9, the following sub-section be inserted:

'(5) All rules made by the Central Government under this Act shall be laid before the Dominion Legislature as soon as may be after they are made'."

The motion was adopted.

Mr. Speaker: Amendment No. 28.

Shrimati G. Durgabai (Madras: General): It is a negative amendment.

Shri Lakshminarayan Sahu (Orissa: General): I have an amendment to clause 7.

Mr. Speaker: Which is that amendment?

Shri Lakshminarayan Sahu: 'That in sub-clause 7 of clause 7 of the Bill.....'

Mr. Speaker: That has been disposed of yesterday. I am referring to No. 28. The amendments of the hon. Member to new Section 7 were called yesterday and disposed of, I believe. Perhaps the hon. Member was not present. The hon. Member's misapprehension arises because of some misprint in the copy of the Bill. Clause 6 is an omnibus clause of this particular Bill and the figures printed in bold type 7, 8, 9, 10 and 11 are really new sections in that clause 6. That amendment has been disposed of already and nothing can be done now. If he wants to move No. 28, he may do so.

Shri B. K. Sidhva: It is a negative amendment, Sir.

Mr. Speaker: It is not a negation. Proposed section 11 is a part of clause 6 of the Bill.

श्री लक्ष्मीनारायण साहु: म प्रस्ताव करता हूं:

"That in clause 6 of the Bill, the proposed section 11 be omitted."

वाचस्पति जी, इस प्रस्ताव के देने का मेरा उद्देश्य यह है कि अगर हम लोग सेन्सरशिप आफ फिल्म्स (Censorship of films) सेनट्रलाइज (Centralize) करते हैं तो इसमें बहुत दिक्कतें आयेंगी खास कर इसके सोचने में कि पब्लिक मारल्स (Public morals) क्या हैं। पहले तो हमें यह देखना है कि जितनी अबसिनिटीज (obscenities) हैं उनको ठीक करने के लिये क्या करना चाहिये। उसको हर एक प्रान्त ठीक कर सकते हैं। एक वर्ड (word) एक प्रान्त में व्यवहार किया जाता है, दूसरे प्रान्त में उसका दूसरा अर्थ आता है। ऐसे शब्द प्रयोग करने से बहुत झगड़ा हो जायगा। सेन्सरशिप का उद्देश्य है पब्लिक मोरैलिटी (public morality) को ठीक करना और यह बात कहीं भी इसमें नहीं रखी गई है। इस लिये मैं चाहता हूं कि इसमें यह लिखा जाय कि हम पब्लिक मोरैलिटी कैसे ठीक हो इसकी कोशिश करेंगे। बिल में कहीं भी नहीं लिखा है कि हम लोग सेन्सरशिप इसके लिये बनाते हैं। इस लिये मैं चाहता हूं कि आखीर का जो सेक्शन (section) है कि हम प्रान्त के हाथ से पावर (Power) ले लेते हैं इसको हटा दिया जाय। प्रान्त के हाथ में पावर रहना जरूरी है क्योंकि जब तक यह न मालूम होगा कि एक प्रान्त की भाषा कैसी है, एक प्रान्त के विचार क्या हैं तब तक सेण्टर (Centre) क्या कर सकता है? मैं तो दो बातों पर जोर देता हूं, एक भाषा के जरिये से और दूसरे दृश्य

के जरिये से। ऐसा हो सकता है कि पब्लिक मोरैलिटी के नाम पर हम ऐसे दृश्य दिखायें जो बम्बई में ठीक मालूम हों और जहां की पब्लिक मोरैलिटी को ठीक मालूम हों, लेकिन दूसरे प्रान्त में दिखाने से पब्लिक मोरैलिटी उसे पसन्द न करे। ऐसी अडचनें हैं और इसके लिये हमें प्राविन्सेज (Provinces) को क्षमता देनी चाहिये। दूसरे यह है कि जब हम पब्लिक मोरैलिटी की बात कहते हैं तो यह पब्लिक मोरैलिटी दृश्य में भी हो सकती है। वह दृश्य कैसा हो बम्बई और दिल्ली में ऐसे डान्स (dance) हो सकते हैं जिनको आदमी पसन्द करते हैं, लेकिन ऐसे स्थान हो सकते हैं जहां ऐसे डान्स को आदमी पसन्द न करें। इस लिये मैं चाहता हूं कि इस आखिरी क्लाज (clause) को हटा देना चाहिये।

(*English translation of the above speech*)

Shri Lakshminarayan Sahu: Sir, I move:

"That in clause 6 of the Bill, the proposed section 11 be omitted."

Sir, my object in giving this amendment is that if we would centralize the censorship of films then a lot of difficulties will have to be faced and specially in determining the public morals. In the first place we have to take into consideration the steps that we have to take to eliminate all sorts of obscenities from the films. This thing can be done by the different provinces. A particular word may commonly be used in one province but the same word carries an altogether different meaning in another province. A lot of confusion will be created if such words are used. The object of censorship is to raise the standard of public morality and this object has nowhere been mentioned in this Bill. Therefore I wish that it should be mentioned in the Objects and Reasons of the Bill that we would try to take such steps whereby the standard of public morality would be raised. It has nowhere been mentioned in this Bill that we impose film censorship in order to achieve this object. Therefore I wish that the last section, that provides for taking over of power from the provinces, should be omitted. It is essential for the provinces to have this power, because till such facts, as to what is the language of a certain province or what is the code of morality in a particular province, are not ascertained then what the Centre can do in this respect? Therefore I emphatically say that the standard of morality can be raised through the agency of two things in particular, firstly through the language of the films and secondly the scenic representation of the various scenes. It is just possible that in the name of public morality we may allow such scenes to be shown in films as may appear quite normal and in accordance with the public morality in Bombay, but when shown in other provinces may not appeal to the public morality there. Such difficulties are there and in order to eliminate such anomalies we should delegate power to the provinces. The second thing is that when I talk about public morality I wish to say that it can also be depicted by the scenes shown in the films. What can be such scenes? In Bombay and Delhi such dance scenes can be shown that the people like, but there can be such places where people may not like such dance scenes. For this reason I wish that this last clause should be omitted.

Mr. Speaker: Amendment moved:

"That in clause 6 of the Bill, the proposed section 11 be omitted."

The Honourable Shri B. B. Diwakar: I do not propose to accept it. That power is not newly given. It was already in the old Act. There the power was

[Shri R. R. Diwakar]

with the Provincial Government. Here the only change is that the Central Government will have that power for the purpose of exempting educational or some such institutions which show these films *ad hoc*.

Mr. Speaker: The question is:

"That in clause 6 of the Bill, the proposed section 11 be omitted."

The motion was negatived.

Shri C. Subramaniam (Madras: General): I want to say something. Sir, yesterday when we were debating the proposed section 6, I wanted the hon. Minister to state what would be the composition of the Authority which is contemplated under this Bill. Either the Minister himself had no clear conception of it or he did not want us to understand what this Authority would be. The matter was left as vague as it was possible. To my question as to what would be the Authority, the reply he made was 'The Deputy Censor will work in a region guided by the Panel'. That will be the Authority. And again, if they are unanimous, then nobody need interfere. But if there is any difference of opinion then they will refer the matter to the Central Censor who will himself be guided by a panel. That will be the final authority. The reply given by the hon. Minister contemplates two sets of authorities. One is the Deputy Censor assisted by a panel which will be 'the' authority—that is the word he has used, and then there is another, the Central Censor, who himself will be guided by a panel and will be the final authority. I respectfully submit that this Bill does not contemplate two sets of authorities at all. It contemplates only one authority, and that is the Central Autbority. There is no question of one authority deciding a thing and another authority, in case of any conflict or difference of opinion sitting in judgment as an appellate body or as a revising body to give the final decision. The hon. Minister said that he was going to constitute three regions in which Deputy Censors will be acting and the Deputy Censors will be guided hy a panel of advisers. They will be merely advisers. Then what will be the function of the Deputy Censor? Will he have the power to issue certificates? That has not been made clear. If he has got that power, that will be only as a delegated authority, and under the rule-making powers the power can be delegated to any person or persons. So he will be acting on behalf of the authority. and if the person issues a certificate. it will be a certificate of the authority under the delegated power. Where is the question of an authority again sitting in judgment? That is not provided in the Bill at all. Therefore once you delegate power to the Deputy Censors who might be guided by a panel of advisers. and these Deputy Censors have to issue the certificates there is no question of anybody else sitting in judgment over that, whether there is a conflict or not.

[*At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen.)*]

If you do not give that power to the Deputy Censor, who is guided by a panel of advisers, I mean the power to issue certificates, then what else are you going to delegate to him? After all, you should know that in the rule-making powers, under the proposed section 9 sub-section (2) (b) you have—"the delegation of any of the powers of the Authority to such person or persons as the Authority may nominate in this behalf:" What are the powers of the authority? It is only to issue certificates "A" or "U" and nothing more. Examining is not a power; giving judgment is not a power. Giving certificates is a power. And you cannot delegate the duty of judging to one authority and then reserve the power of issue of certificates to the Chief Censor. It cannot be that way at all. Here is a Deputy Censor aided by an advisory body. They are unanimous that a certificate should not be granted. Can they reject the application? Once

rejected there is no question of any appeal to the Central Censor. And still, if the Central Censor endorses it, on whose opinion does he endorse it?

Shrimati G. Durgabai: I understood from the hon. Minister's speech that if there is a difference of opinion between the Deputy Censor and his panel, then the appellate authority is the Central Censor. I think that is the point made out by the hon. Minister. So the Central Censor functions only in case there is a difference of opinion. Otherwise the matter will be dealt with by the Deputy Censor as advised by the panel. If they are unanimous, no question of appeal arises. Perhaps this is done in order to give great latitude to the provincial interests, in connection with whose interests the Provincial Deputy Censor and his panel will be working.

Shri C. Subramaniam: Does it mean that if there is a unanimous opinion, then that opinion is binding? Is that the position? Is the Deputy Censor entitled, when there is unanimity of opinion, to refuse a certificate? If that is not so, what is the position? If he is entitled to refuse a certificate, is there any appeal to the Chief Censor? Nothing is made clear here. I submit that if you want that these regional boards should act as issuing authorities, the only course was to accept my amendment, but still the hon. Minister says that these Deputy Censors will form part of the Central Authority. Certainly they are not part of the Central Authority at all. It is the authority which is given this power, and it is not as if that very function of judgment should be delegated to another person. It cannot be done. If you want to delegate it, why do you not recognise it in the Act itself? There will be regional bodies and they will be entitled to go into the matter and give certificates, and in case of difference of opinion or any party feeling aggrieved, they should go to the Central Censor. On the other hand, by saying that it is "the authority", which has this power, you are making the position of the Deputy Censor and the panel anomalous in the Bill.

Secondly, I would like to know what is the position of the Chief Censor. He would be guided by a panel. Is that panel only an advisory body or is it intended that the Chief Censor along with the panel shall form the authority? This has not been clearly stated so far. Is it the intention that the Chief Censor along with the panel shall be "the Authority"? On the other hand, it has been stated that the Chief Censor who will also be guided by a panel shall be the Authority. So the Authority will be the Chief Censor, and he will be advised by a panel. There is a distinction between saying that the Chief Censor is the authority and he shall be guided by a panel and saying that the Chief Censor along with the panel shall be the Authority. The two are quite different. Is it the intention that the panel will be an advisory body and the Chief Censor will be the Authority? If that is the case, you are making the Chief Censor a dictator, nothing less than that. He will be a law unto himself. We are placing no restrictions or limitations on his power. If he refuses a certificate, there is only the Minister if the matter goes to the Central Government. The opinion of this one person will be the law as far as the cinema industry is concerned. Is that contemplated in this Bill? I do not think that is the intention of the hon. Minister. So far the hon. Minister has not made it clear whether the authority will be the Chief Censor who might act as a Chief Executive Officer of the panel. If that is the intention, he has not made it so far clear. I would here submit that even the Rangachari Committee's Report which was formed for the purpose of going into this matter, has recommended that you may appoint a chief Censor and he shall be the Chief Executive Officer of the Central Board and he shall not have a right to vote. On the other hand, here, these people, the board or the panel as it is called, is made an advisory board and the Chief Executive Officer is made all in all and he is given entire power. When it relates to the entire industry—and I think we [illegible] more than a hundred films a year in India—it means that this

[Sbri C. Subramaniam]

man is constituted the sole authority to say whether a certificate should be granted or not. Under the Bill that man, the Chief Censor, has the sole authority and he has got the power to over-ride every other advice given by any other body. Sir, I respectfully submit that it should not be like that. If at all, the Central Authority should be a Board consisting of officials and non-officials and the Chief Censor contemplated by the hon. Minister should be no more than the chief executive officer, and he should not have the right to vote at the Board's meetings then only will it work satisfactorily. Otherwise you will be constituting this man as the dictator in this important industry where not only so much of money is involved but where human factors such as the cinema stars are involved, and you will be giving this one man absolute power, thereby providing plenty of scope for corruption.

Mr. Chairman: I think the hon. Member has already laid too much stress on the point. He might go on to his next point.

Shri C. Subramaniam: Sir, there is one other point to which I objected. Why should the Central Government have the power to interfer, either to grant a certificate when it is refused or to cancel a certificate. The hon. Minister has not so far justified the powers which he is taking for the Central Government. Even in the Rangachari Report it is mentioned that no power to any other body should be given beyond the Central Board of Censors. If after examining a film the Censors refuse to give a certificate, why should the Government have the power to say "all right, grant the certificate"? It is not as if once the Censors refuse to grant a certificate it becomes absolutely final. It is open to the producers when circumstances change or when they have made the required alterations in the film to go again before the Authority and ask them to examine the film under the altered circumstances or say "we have made these alteration, see whether the film is now suitable or not." When such provisions are there I do not see why the Central Government should have this power. Even though I referred to this matter in my speech the hon. Minister has not touched that aspect at all.

I am glad that the hon. Minister explained with regard to the proposed section 11, that the power of exemption will not be applied to the ordinary class of films but only to educational films etc. But I respectfully submit that before the House is asked to pass the clause he should make it clear as to what is the authority contemplated by him—whether it is the Chief Censoring Officer or it will be a board. He should make that point clear.

Shri Upendranath Barman (West Bengal: General): Sir, I want to make a small point for the consideration of the hon. Minister, and that is with reference to the wording of sub-clause (3) of clause 6. This clause has been inserted only in order to throw some obligation on the Authority to inform the person applying for the certificate about the decision that it makes. First of all the Authority may either refuse unrestricted public exhibition or refuse public exhibition restricted to adults. These are the two circumstances. But the wording of the clause is: "If the Authority is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision." To my mind it seems that by this conjunctive clause the obligation is thrown upon the Central Authority to inform the person only in the case where no permission whatsoever is given. But suppose the Authority gives permission only for public exhibition restricted to adults. In that case also that person should have the option to apply to the Central Government to revise the decision of the Authority.

The Honourable Shri B. R. Diwakar: In that case he gets the certificate.

Shri Upendranath Barman: But he may not be satisfied with that and may like to apply to the Central Government that his case is fit enough for unrestricted exhibition.

The Honourable Shri R. R. Diwakar: There is the appeal.

Shri Upendranath Barman: I am just pointing out the effect of the conjunction "neither.....nor" in this clause. This conjunction means that it is only when permission is refused altogether that he will be informed and will have the option to appeal. To my mind the proper wording would have been:

"If the Authority is of opinion that a film is not suitable for unrestricted public exhibition or for public exhibition restricted to adults....."

In that case the wording would have been quite proper. That is my submission. The hon. Minister may kindly consider that point.

The Honourable Shri R. R. Diwakar: To dispose of the second point first, the question of informing the person concerned arises only when permission is refused, because he has to go to a higher authority in appeal. If this responsibility is not laid on the Censor, it would be difficult for him to proceed, whereas in the case of giving a certificate, whether it is for unrestricted or restricted exhibition, the certificate is in his hands—there is with him the writing of the Censor on which he can proceed. Therefore I do not think it is necessary in the other case to lay the obligation on the Censor.

Shri Upendranath Barman: The time allowed is only thirty days, from the date of decision.

The Honourable Shri R. R. Diwakar: As regards the point raised by Mr. Subramaniam about the Authority and about the procedure, I think on account of the procedure that I explained—which would of course be the subject-matter of the Rules—and the use of the word "Authority", a little confusion has crept into this matter. I am very glad that he has raised this point at this stage so that I can make matters clearer. The Central Censor, along with the Board or the Panel, would constitute the Central Authority. So far as the Regional or Deputy Censors are concerned powers would be delegated to them under clause 9 (2) (b) as I pointed out yesterday. Therefore there would not be any difficulty in working this out. No doubt yesterday I used the words "guided by" and possibly that was not as clear as it ought to have been. I am glad Mr. Subramaniam has raised this point to enable me to clarify it.

Shrimati G. Durgabai: On a point of information, Sir. May I know whether the Members of the Panel attached to the Central Censor will be drawn from the Panels attached to the Deputy Censors?

The Honourable Shri R. R. Diwakar: That would be a matter which we will have to think out. I cannot say anything offhand just now.

Shrimati G. Durgabai: Some indication may be given because there is a lot of doubt expressed on account of the constitution and the functions of the Central Board.

The Honourable Shri R. R. Diwakar: There need not be any doubt about the Board. The Panel will be the best possible under the circumstances and naturally it will be drawn from all parts of the country. I do not think we can go into further details.

Another point which Mr. Subramanian raised was about the right of appeal to the Central Government. Since the Central Authority is one which gives a final decision on films, there must be some right of appeal from this decision.

[Shri R. R. Diwakar]

That is why the Central Government has been vested with that power of hearing appeals. That is the only explanation which I could offer for the point raised by Mr. Subramaniam.

Sir, with this explanation and clarification, I see no difficulty in the way of the House accepting the clause as it stands.

Mr. Chairman: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri R. R. Diwakar: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Shri Mahavir Tyagi (U. P. General): Sir, even after listening to the whole discussion and the arguments put forward by my hon. friend, the Minister in charge, I really do not yet find the objective with which this Bill has been produced. As far as I could see it is only just to facilitate the trade or industry, if that is the only objective then I could understand the Bill to be all right. It gives facilities to the trade by making the censorship work easier. In the Statement of Objects and Reasons there are a few words which provoke me to make this remark: It is mentioned there:

"With a view to remove such anomalies and to introduce uniformity in censorship which will help to raise the standard of films as a medium of education and healthy entertainment....."

I wonder whether censorship will really lead to these laudable objectives of providing healthy entertainment and raising the standard of films as a medium of education.

Sir, I do not yet see whether Government have really formulated their policy. Are their objectives clear? What is the economic policy which they want to propagate through these films? Is there any policy at all? What is their moral policy? What are the morals they want to propagate through this Bill? Are they clear about it? What I find after independence is that these films are eating deep into our civilization, culture and morals and it seems that table manners' and 'bed-room freedom' are going to be the be-all and end-all of the life of the nation. We are propagathing these ideas and our life is getting very costly. On account of the cinemas, different types of fashions are imported into our lives. Our old ladies—my mother and grandmother—as they used to be would no more respected because in the cinemas we are now propagating ladies of a different type and a different culture. They don't cut their nails but cut their hair instead. The blood-red-beaked and nailed woman is becoming the ideal of the nation and girls are coping her now. Our whole culture, our dress our songs, our literature are all being eaten into by these cinemas.

An Honourable Member: Close all the cinemas.

Shri Mahavir Tyagi: Also, our dress is becoming very costly and our furniture is becoming very costly because we are aping all those things shown in the pictures. We know no simplicity. Our goal is not clear. Will your 'club-bred' I.C.S. or other service man really achieve those objectives which the nation really demands of you? It is the 'domestic breed' that can deliver the goods.

Mr. Chairman: Does the hon. Member propose to take long?

Shri Mahavir Tyagi: I will take only five or ten minutes more.

Mr. Chairman: Then the House will stand adjourned till 2-30.

The Assembly then adjourned for Lunch, till Half-Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

RIGHTS AND PRIVILEGES OF MEMBERS

Pandit Govind Malaviya (U. P. General): I am grateful to you Sir, for allowing me to submit to you the point about privilege which I wished to place here this morning, although I should like to request to you most respectfully to be pleased to consider once more whether, in view of the practice prevailing in the House of Commons as laid down by May, it is not an encroachment on the rights and privileges of the Members of this House that they should not be able to raise in the House points regarding privilege without first submitting them to you in your Chamber. I shall be greatful if you will reconsider the matter. I shall say nothing more about it.

Shri Mahavir Tyagi: (U. P. General): I am afraid you are mistaken when you say that the Speaker laid down this rule in regard to points of privilege. It was about the other points that the Speaker did so.

Mr. Speaker: Order, order. Let him finish.

Pandit Govind Malaviya: The point that I wished to raise here this morning was this. This House adopted yesterday the motion to take the Hindu Code into consideration. When the House debated that motion on Wednesday last, at about four o'clock in the afternoon during the course of the debate, after consultation between the Deputy-Speaker who was in the Chair, the hon. Law Minister and the Chief Whip, the Government announced that they would give another day for that discussion and that day would be Saturday last. I then stood up and submitted that as we had not anticipated that the House would meet on Saturday some of us had made engagements, and that I personally had unavoidable engagements at Benares on Saturday and Sunday which I could not give up. The Government were very kind and generous and they therefore fixed Monday for the debate. I mentioned Tuesday and some other Members mentioned some other dates, whereupon Mr. Deputy-Speaker was good enough to say that I was an important Members and the Government had therefore fixed Monday to accomodate me and that the matter should end there. So Monday was fixed. The Deputy-Speaker further mentioned that on Monday the Members would be able to participate in the debate up to Lunch time and after Lunch the hon. Law Minister would reply. After the rising of the House that day, I waited upon Mr. Deputy-Speaker and explained to him that the earliest I could arrive in Delhi from Benares would be by the one o'clock plane on Monday and requested him to allow me an opportunity of submitting my views to this House on that matter after Lunch. He very kindly agreed to do so.

[Pandit Govind Malaviya]

Yesterday, Sir, I arrived by that plane but on arrival here I found that the House had choked out the debate by adopting a closure motion in the morning. In this connection, I beg to submit, Sir, that if I had happened to have views on the subject which were in conformity with the decision arrived at by the House, the fact of my not having been able to express myself would not have mattered. But, as is probably well known, I have been wholly opposed to the adoption of that motion that the Hindu Code.....

Shri T. T. Krishnamachari (Madras: General): On a point of order, Sir. May I ask if this is a question of priviledge against the tyransy of the House?

Mr. Speaker: Let him develop his point and then we shall be able to know further.

Pandit Govind Malaviya: Therefore, Sir, as I said, if I had been of the same view as the decision of the House, it would not have mattered. But I have been wholly opposed to it. I have said that so long as energy lasted in me I would endeavour by all right means to see that the Bill was not passed.

Therefore, Sir, I submit that when a Member depends upon the decision of the Chair announced openly on the floor of this House and arrives here in accordance with that decision in the hope that he will be able to place his views before the House and thereby endeavour to convert that views of those who did not agree with him, I submit, Sir, that when that decision and promise of the Chair is not observed and when that opportunity is denied to that member, then, Sir, it becomes a very grave injustice which requires to be set right. For Sir, if the Chair's decision cannot be depended upon things will become impossible.

I might mention, Sir, that yesterday I met Mr. Deputy-Speaker at the Benares aerodrome when he was on his way to Calcutta. He told me that he regretted that he had not been able to leave a note for you as he had promised to do to the effect that he had promised to give me an opportunity after Lunch. He told me that it had slipped from his mind when he was talking to you before his departure. But, Sir, that fact does not make any difference, because when a statement is made by the Chair, in consultation with the Government on the floor of the House, and if even that statement cannot be relied upon, I am afraid that the entire rights and privileges of the Members of this House come almost to nothing; and if the rights and privileges of the Members of this House are reduced to that extent I am very doubtful whether this House fill be able to serve the very purpose for which it exists.

You, Sir, are the custodian of the rights and privileges of the Members of this House and, I therefore, appeal to you to do in this matter what you think right and suitable, so that the injury which, in my opinion, has been done might be set right and the wrong which has been done may be suitably corrected.

Besides, this, I submit, Sir, that due to these facts the entire proceedings of this House yesterday in relation to the Hindu Code have been vitiated and I hope that you will take necessary action in the matter.

Mr. Speaker: I do not thing this question of alleged breach of privilege really requires long ruling. The hon. Member has raised two Members are first point is that he thinks that the rights and privileges of Members are seriously interfered with—if they are not permitted to raise any points of privilege without first consulting the Chair, or informing the Chair. I am afraid it is not possible for me to agree with that view, because points are raised for clarification or solution and I do not see how they can be immediately clarified or solved on the floor of the House, unless the Chair is aware of what

is really worth being brought before the House will be permitted by the Chair, every Member be given an opportunity of saying whatever he wishes to say under the guise or pretence of raising a matter of privilege.

Pandit Govind Malaviya: That has been the practice in the House of Commons.

Mr. Speaker: I think the House will agree that they will credit the Chair with that much of commonsense and sense of justice that, every point which is really worth being brought before the House will be permitted by the Chair. In case the Chair goes so wrong as to refuse even the legitimate points that should be allowed to be raised, hon. Members have got the remedy in their hands of removing the person occupying the Chair. That is as regards the first part of the hon. Member's point and I think the practice that I am following here is on the whole, very necessary and wholesome in the interests of saving the time of the House and also maintaining its decorum and decency.

The other part relates to his having been deprived—as he believes—of the opportunity of having his say. One need not notice very seriously his argument that the proceedings of the House are, therefore, vitiated; that does not call for any reply at all. I may assure the hon. Member that nobody—neither the Government nor the Chair much less the present occupant of the Chair (he has already said that I had no knowledge of it)—had the least or remotest idea of debarring any person from expressing his views if he wished to do so. In a sense, it is unfortunate and very much regretted that he should have lost his chance but it all developed in a way for which nobody is really responsible. If a Member is keen to be here for a particular measure and to give his views, I think it is his first duty to give precedence to this engagement over others. It is more or less as a matter of convenience that Members are given latitude. Those ltitudes cannot be construed as privileges. Otherwise, it would be impossible for this House to function in the absence of one Member on one day, another Member on another day, and so on.

No doubt, as the progress was estimated it was stated that some convenience would be given to the hon. Member and if the discussion had continued till 1 P.M. yesterday, nobody would have objected in view of what Mr. Deputy-Speaker had said here as to giving the hon. Member a chance of having his say. But it is too much to expect that, after the moving of the clousure the matter should be kept pending just for one Member who was not present here. That is how look at the matter. I do not think it is a matter of privilege at all; it is only a matter of some kind of convenience which was expected to be given but which in the circumstances which subsequently developed could not be given. The matter ends there and the hon. Member need not entertain any fears that the rights and privileges of Members will be reduced to nullity if this kind of thing goes on.

I do not think I need take more time over this.

CINEMATOGRAPH (SECOND AMENDMENT) BILL—*contd.*

Shri Mahavir Tyagi: Sir, I am speaking under the stress of a strong whip and also perhaps under the incidence of a little bit of displeasure of the hon. Minister, the mover of this Bill. But, Sir, to catch the thread of the first part of my speech I was saying Sir, that the cinema industry is producing a degenerated race of red-beaked and blood-nailed ghosts of girls that are marching into our society today. I was suggesting, Sir, that this Censor should not only censor the films from the point of view of encouraging the industry

[Shri Mahavir Tyagi]

as it is, because after all, a film industry is not a productive industry. It does not add any further surplus values to the wealth of the nation. Therefore if we only encourage the industry, the industry thrives, but it does not help the nation at all.

Shri B. L. Sondhi (East Punjab: General): They have got so much of sales tax.

Shri Mahavir Tyagi: The Government might have a different opinion but this industry does not get any surplus values out of such production unless these films are sent outside and they bring money to the country from foreign countries. Wealth remains as it was and this industry does not produce any wealth. Therefore, I submit that we need not encourage any industry which is not productive at all. But then, Sir, we could make this film productive, if we can make the best use of the film, because after the radio the film is the next biggest.....

Mr. Speaker: Order, order. May I point out to the hon. Member some considerations? One is that the present stage is the third reading stage of the Bill. Therefore, the scope of the discussion is very much limited. The other is that the particular point under discussion under this Bill, looking at its scope is, whether the Censorship should be centralized or it should be left to the Provinces as it is at present. That is the limited scope of discussion over this Bill. The policy of censoring, the desirability of having films, the way in which the whole thing should be censored, these will not be matters which will now be pertinent at this stage.

Shri Mahavir Tyagi: Sir, may I point out that in the Statement of Objects and Reasons, it is mentioned that centralization is being made to raise the standard of films as a medium of education, and healthy entertainment. You did not listen to the previous part of my speech, Sir, and I could not fully acquaint you with what I was developing.

Mr. Speaker: Then he need not repeat it.

Shri Mahavir Tyagi: What I was saying was that the film censor must be centralized, but they should not be censored only from the point of view of giving encouragement to the industry. They must be censored from the point of view of education. Today the film rides high on the morals of the nation. It may give birth to a new nation, so to say of high morals and lead us to practice the big motto of "Simple living and high thinking". It is from that point of view that censorship must be centralized. I demand from the hon. Minister to put before the House information as to what are the criteria on which censorship will work. That point has not been clarified. So far we do not know what is the main objective of censorship upon films. Is it a question of *laissez faire*? Are the films only to play to the tastes of the people? Would they go wild with whatever taste they want to have? If they have no guidance in this respect they will lose their native taste and talents all over the country. Then, I am afraid the censoring will be of no use. It should not be only an industrial venture. What I demand is that the methods or the lines or the directions which are to be given to the censoring authority must be put before us. We must know what is our aim and to what is it that we are leading our country. The present policy is eating into the very economic life of the nation and making it more expensive. I submit, Sir, that in a cinema unless one is either a super-human or sub-human he only reacts psychologically by way of identification. Whatever scene is on the film, one identifies himself with the scene unless one is very subjective. The cinema always acts upon a man and he

loses his subjectiveness. Whenever there is any scene in a film, the visitor just identifies himself with some of the actors of his choice and he carries a mental impression of having personally undergone the experience of that life. In fact whatever the story is every visitor, unless he is a super-human man he becomes an actor or a part of the story, and identifies himself with what he likes best. I, therefore, submit after experiencing, although temporarily a high standard of living, it is very difficult for a man to come back home with its humbler and simpler environments. I, therefore, submit that the cinema is propagating really too high a standard of living, and we are pining to live a very high standard; which is not commensurate with the average standard of wealth of the country. I submit that the censorship must be centralized and it is not as if one man can control the whole business. There must be a panel of persons. The hon. Minister must say whether there will be psychologists on that panel and men of the educational Department. We have seen that Russia controlled the film industry and through cinemas alone they could proceed with the constructive part of their revolution. They first had the destructive part of revolution but when they came to doing the constructive part of their revolution, they did it by means of films? Is there any plan before the Government? Have they planned out their economic programme which they want to propagate through the cinema? Have they a scheme of education? What kind of education they want to propagate to the nation? These are the points which I want to stress. I want to know what are the aims and how this cinema will radiate a new life or will encourage our own civilization.

One more point, Sir. Will there be musicians on your Board? The biggest danger of the cinema today is that our old treasures of music have been spoiled by the cinema in a most vulgar manner. Sir, poetry is fast becoming prose and prose is becoming too Prosaic, there is neither any prose nor poetry, and there is no literature. Music is being adulterated, with discordant notes which are jarring. We had our music which was developed on a highly scientific basis and that music is being adulterated with various wild notes with the result that the music is losing its basis altogether (*An Honourable Member*: Murdered) I ask: Will the censoring authority guarantee the purity of that music which our ancestors had evolved without the help of musical instruments. So I beg to know whether there will be a strict censorship to protect our poetry, our music, our language, art, dress and fashion and our morals and culture? Will our standard of living be censored? Then who will be the censoring authority? I want you to inform the House. It is a vital point which concerns the nation and the House.

I want to know whether you are taking civilians on this Board. By civilians, I do not mean the paid civilians. I submit, Sir, after all, as things are the civil servants of the State, the Ministers and the hon. Members of this House compose all the Committees as if they have the monopoly of all wisdom and everything. I want to know whether you are going to take learned people, outside this House and outside the precincts of the Government into this Board. My submission is, if there is any plan in the mind of the hon. Minister, he must let the nation know that the censorship will be on such healthy lines and that the censorship will help the nation to progress. If that is the plan, from the constructive point of view, I agree that the Authority must be Central. After all, the Central Authority will be really in a position to spend more for getting experts and their opinion, and a centralised authority giving directions will tend to unify our taste also and help the nation to progress better than a provincial authority could do.

I have to submit one more point and it is this. At present, the cinemas are catering only to the urban people. Urban manners, urban way of living, etc., are being shown. The rural population does not get a proper benefit from the

[Shri Mahavir Tyagi]

cinemas; nor is their way of life pictured. I am a villager. I love the rural environments. My mother used to put on a *lahnga*. All that dress is fast going out of use. All the ornaments worn by the people in my mother's days and my grandmother's days will not be exhibited in any cinema. I think that that dress and those ornaments must also be respected and should not be discarded to be replaced by the colourful dress and the ghostly looking things of the present day. No respectable young man would even like to smell the girls of the cinema inspired fashion today; where shall they be married? They are so ghostly looking. I hope the Censoring Authority will also look into this important aspect of the matter.

The Honourable Shri R. R. Diwakar: Sir, I have really nothing to add at this stage. I may only say that I shall give the most respectful attention to all the suggestions that hon. Members have made.

Sardar Bhopinder Singh Man (East Punjab: Sikh): Not Mr. Tyagi's suggestions; it will be suicidal.

Shri R. K. Sidhva: He has made certain suggestions which are objectionable.

The Honourable Shri R. R. Diwakar: They will not be attended to naturally. (*Interruption*).

Mr. Speaker: Let him go on.

The Honourable Shri R. R. Diwakar: At this stage, I have nothing to say, but to commend the motion to the House.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT AND VALIDATION BILL

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to move:

"That the Bill to amend the Delhi Premises (Requisition and Eviction) Act, 1947, and to validate certain orders, be taken into consideration."

Sir, during the war period, under the Rules framed under the Defence of India Act, the difficulties in respect of accommodation were got over. After the war was over, in 1947 an Ordinance was passed practically reproducing some of the main provisions contained in those Rules and in 1947 the Delhi Premises (Requisition and Eviction) Act was passed. It is due to expire on the 31st of this month. It was expected that in the course of these two years, the accommodation position in the Capital and its suburbs would improve; but experience has shown that it has become more acute on account of a variety of reasons and the necessity now is for the Government to come before this hon. House to pass another Bill which will extend the provisions of the Act of 1947 for a period of three years.

Now, Sir, it will be my duty to give certain facts to the hon. House to show how very urgent is the necessity to pass this Bill. In the first place, I will tell the House that 300 houses have been under requisition, not under the provisions of this Act, but under the provisions of the Defence of India Rules. Only

81 houses have been requisitioned under the Act of 1947 in the course of the years 1947, 1948 and part of 1949.

Shri Deshbandhu Gupta (Delhi): Only 81 houses have been requisitioned?

The Honourable Shri N. V. Gadgil: Under this Act of 1947, whereas 360 are under requisition under the Defence of India Rules. The present position so far as the Government needs are concerned is this.

Shri Deshbandhu Gupta: Is the hon. Member speaking of New Delhi Houses or the whole of Delhi?

The Honourable Shri N. V. Gadgil: The whole of Delhi. In New Delhi, there are no more than 500 houses; out of that 360 are not surely requisitioned.

So far as the Government needs are concerned, we require 170,000 square feet of accommodation for offices, although the screened demand so to say, (in the sense that demand has been accepted by our Accommodation Advisory Committee) comes to about 50,000 sq. feet. As regards accommodation for our officers of all classes, I may inform the hon. House that there are 13,000 officers of all classes without accommodation from the Government. God above and they below know how they are living and where they are living. We have been able so far to give accommodation to 15,000 officers of all classes. Out of these 13,000 who are still without any accommodation, about 5,000 are refugee officers who have come from Pakistan and who have been absorbed in the various departments of the Government of India. All told, 7,492 applications for accommodation have been received from the displaced persons or refugee persons who are now in the employment of the Central Government.

As I stated, out of that, we have been able to provide accommodation for 2,102.

Shri H. V. Kamath (C.P. and Berar: General): How many received?

The Honourable Shri N. V. Gadgil: The number of applications received is 7,492 from refugee officers alone; out of them 2,102 have been provided. In order to give as much facility as possible and to make the best use of the accommodation available, the Government of India relaxed certain rules about sub-letting.

We allowed our officers to share the accommodation as far as possible with the refugee officers, in the first instance, and with non-official refugees, in the second. That also was extended in the case of hon. Members of this House with what result—all those who have shared and acted accordingly know to their cost. As a result of this, there was indeed good response and out of the 1,200 officers who draw more than Rs. 600 per month by way of salary, 416 have been sharing their own allotted accommodation with refugees both officials and non-officials. There are 12,000 officers who are occupying Government accommodation and whose salary is less than Rs. 600. Out of that 6,400 have been sharing the allotted accommodation both with refugee officials and non-officials.

Now, I am conscious of the fact that this huge problem cannot be solved by merely allotting existing accommodation, on howsoever equitable rules or by howsoever equitable procedure. After all a cake divided into two equal parts or the whole remains one cake and not a grain is added. Therefore something has been done in the way of providing more accommodation for the officers of Government of India. The hon. House is aware that there are 3,200 units out of which 200 flats for higher officers, 2,000 for clerks and 1,200 quarters for Class IV Officers are under construction. About 50 per cent. of this accommodation is nearly ready and on the 25th of this month the allotment will start. Speaking roughly, about 1,200 units will be available by the end of beginning of next

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month but the whole number will be ready for accommodation by the end of March 1950. If it was left to myself and my Ministry I would have gone on with this building programme on a larger scale and with greater speed but, you, Sir, and the Members of this hon. House know very well that it is not possible for circumstances over which few of us have any control.

At the same time, apart from the building programme undertaken by the Government of India for accommodating their officers, the Relief and Rehabilitation Ministry also have been doing quite a lot and there are 4,000 units at present under construction in Kingsway, Azadpur, Kotla, Purana Kila and their programme also includes building of 2,000 further units in Malipura, Gangapura and other places. The relevance of this programme so far as this Bill is concerned is this. There are nearly 1,899 units belonging to Government which are in the unauthorised occupation of refugees who are mostly non-officials and a few officials. You are aware in the months of September/October/November 1947 as a result of partition, hundreds of people were pouring into this Capital and it was very difficult to take a very strict view of the law. We therefore decided that vacant houses left by Muslim employees, may be, for the time being, occupied by officials or non-official refugees and permanent adjustments and allotments would be made later on. I do not know whether it was the right policy or wrong policy but it was a human policy, Sir. The total number of units thus occupied was 2,957. Now the Government of India was obliged to decide whether they would allow all these units to be occupied in an unauthorized manner or would they be justified in evicting them gradually, making alternative accommodation as far as possible, available to them. There was another aspect to this question. There were, on the one hand, refugee officers actually in the employment of Government who were without accommodation and they were getting nothing because they were Government servants, loyal citizens, and law-abiding citizens. On the other hand, about 2,957 units were occupied by refugees in an unauthorized manner. I know necessity makes many people do things which in normal circumstances they would not like to do or perhaps would never do. Taking this generous and a liberal view of the whole situation, from time to time as I have stated already, we have been making available alternative accommodation for those whom we gradually evicted. Now nearly 2½ years are over, and now it is, I think, something which, even the House will agree, that this state of things cannot continue long and we can't afford to allow 5,000 of our officers to remain without any accommodation, a fact which has affected and which is bound to affect the efficiency of the work in the respective offices. We therefore decided that by the end of March 1950, the 1,899 people should be evicted and as far as possible alternative accommodation should be given to them. The Relief and Rehabilitation Ministry have agreed to give as I stated 500 houses before March 1950. That number will be given alternative accommodation. Even otherwise we will try our best to give alternative accommodation for the rest. It was equally difficult for the R. & R. Ministry to give any preference to these unauthorised occupants; for, their argument was that those who were law abiding and, did not act as others have acted—why should they stand out in preference to those who have gone out of the normal way and have occupied in an unauthorized manner units belonging to the Government of India. However, I am greatly obliged to that Ministry for having agreed to accommodate 600 before the financial year is out and I have no doubt that with the sympathy for which that Ministry is known, they will also come to my help, if at the end of the financial year I find a hundred or two still without accommodation and they will also—as I said—be accommodated. What that problem in terms of money means, the House will be—I cannot say delighted—but be pained to know that the arrears after recovery is Rs. 8,10,000. The other day a question was asked for

information about arrears of rent in Delhi and other places in respect of Government buildings. Not that I was reluctant to give the information—about Delhi it was ready, but the question embraced all the accommodation, not only in Delhi but also in Calcutta, Bombay, and other places in the Union territory. At the same time, I was very much reluctant to make public that this huge amount is due to the fact that several persons have entered government premises and have been in continuous occupation for several years. Sir, the Government of India, by Press Note dated the 19th August, 1949 have called for information from everyone who is in unauthorised occupation of government buildings and the Press Note states clearly that those who register themselves, will be given alternative accommodation as far as possible. In order to make the recovery, not of rent, because the moment I call it "rent" I know what that will imply in a law court, but in order to help in the recovery, I decided that those who pay "damages" they will also be preferred in the matter of being given alternate accommodation. Under the present rules I could have insisted on recovering from every one of them what is known as economic rent, under Rule 45(h) of the Fundamental Rules. But I also realised, and the fact was also brought to my notice by prominent Members of this House including hon. Mr. Bakshi Tek Chand, and I decided to give certain concessions and I also agreed to recover the arrears by instalments. I am only enumerating these facts to show that in every way, and in every form, we have dealt with the displaced persons as sympathetically as possible. Now, Sir, as I stated, it is not only the need of the Government of India as such, but there are other obligations of the Government of India in the matter of providing accommodation. One of these is to make provision for the foreign embassies. There are about forty here already, and nearly thirty-three houses—probably the best houses in New Delhi—are already in their occupation. They also require accommodation for their staff, for their offices and so on, and we are bound to provide them. It is also, therefore, necessary that in order to enable the Government of India to do this, the Government of India must have power for requisitioning and for eviction. I find, Sir, from the Order paper, certain amendments in the names of my hon. friend Mr. Jaspat Roy Kapoor, and my hon. friend the inevitable Mr. Sidhva. Hon. Deshbandhu Gupta has also given notice of an amendment which I just got as I rose to move this motion. So far as my hon. friend Mr. Kapoor's amendment is concerned, I greatly appreciate what he has proposed; but in the light of what I have stated, he will also appreciate the position of the Government of India. I assure him that if anything is possible to be done to help those displaced persons who are in the occupation of government accommodation, that will be done. But I am sure he will not ask me to do the impossible. He has suggested that in the definition of 'public purpose', accommodation for displaced persons should be specifically incorporated. As the rules stand, there is enough power according to me for that and I can tell him that I have exercised it in a few cases. But at the same time, I shall certainly consider that point when I propose to revise the rules. But as regards the other point of making it a statutory obligation on the Government of India to find alternate accommodation, I think he will appreciate my difficulties if I say that it will be very difficult for the Government of India to accept that.

Then there is one amendment in the name of Mr. Sidhva giving me more than what I want. I want the Act to be in operation for a period of three years, and he has been generous, for the first time in his life in this Assembly, to give it for three years more. As a Member of the Government I would have gladly accepted it, but as a real democrat I would not like to accept it, because I know that this Act on the one hand, caters for a very urgent need, but at the same time, to some extent, it causes hardship. So I think after

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three years there would be time to review the whole position and if the government of the day comes before this House which has been always reasonable and responsive, I have not the slightest doubt, Sir, that that Government would be able to carry out whatever they think to be appropriate in the highest interests of the country.

Now there is then the proposed amendment of my hon. friend Shri Gupta, and it is something which I cannot accept. He wants this Act not to apply to new constructions. Now, when the new constructions are completed, there is no control over the allotment of the accommodation that is available and so here is a vast field for *pugree*. I have received innumerable complaints on this score. But the main argument that was advanced by Mr. Gupta last time when this was under discussion was that this would discourage construction of new buildings.

Shri Deshbandhu Gupta: Has it not?

The Honourable Shri N. V. Gadgil: I do not think it has done that. A few months ago a deputation of building contractors and house owners came up and I had some discussions with the hon. Member for Delhi also who apparently thinks that landlords are the only miserable people who deserve protection. As a result of all this, I agreed that Government will not requisition any building which the owner has built for his own purposes, for his own family, and I have also agreed that if there is any additional new construction, then I will not requisition fifty per cent. I would requisition only fifty per cent and the other half will be available for the landlord to play with his conscience in whatever way he likes. I have gone to this extent. I do not know whether it was correct for me to have gone to that extent, but I am prepared to watch this as an experiment during a period of six months, and if as a result of this new constructions come into being, I shall certainly modify the Act in the way he desires. But if, on the other hand, as a result of this, the tenants are not getting any protection, but the landlords are getting more profits, then surely as a representative of the poor people and of a government which believes in doing justice to many as against the few, my duty will be clear.

These are the main points I wanted to make and I hope the House will agree to my motion for consideration.

Mr. Speaker: Motion moved:

"That the Bill to amend the Delhi Premises (Requisition and Eviction) Act, 1947, and to validate certain orders, be taken into consideration."

شری دیش بندھو گپتا : جناب سپیکر صاحب ! مجھے افسوس ہے کہ میں
اس بل کی مخالفت کرنے کیلئے کھڑا ہوا ہوں۔ ابھی آپکے سامنے آنریبل منسٹر صاحب نے
جو بھاشن اس بل کے استھاپت پیش کرتے ہوئے دیا ہے اسکو سنکر مجھے بہت مایوسی
ہوئی۔ اس بل کے اغراض و مقاصد (Statement of objects and reasons) میں
سب سے پہلی وجہ یہ ظاہر کیگئی ہے کہ موجودہ ایکٹ ۳۱ دسمبر کو ختم ہو رہا ہے۔
حالانکہ ایکٹ میں اسبات کی گنجائش ہے کہ گورنمنٹ آف انڈیا محض ایک
نوٹیفیکیشن کے ذریعہ اسکی میعاد ایک سال کیلئے بڑھا سکتی ہے۔ اسلئے میں یہ
سمجھتا ہوں کہ اس پرکار کا استھاپت لانے کا کم سے کم یہ وقت نہیں تھا۔ گورنمنٹ

کے پاس کافی اختیارات پہلے ہی ایکٹ میں موجود ہیں وہ ایک معمولی نوٹیفیکیشن کے ذریعہ اسکی میعاد ایک سال کے لئے بڑھا سکتی تھی - لیکن مجھے دکھ سے کہنا پڑتا ہے کہ حالت ایسی ہو گئی ہے کہ ہماری نیشنل گورنمنٹ آرڈیننسس گورنمنٹ بن گئی ہے - وہ آج آرڈیننسوں کے ذریعہ راج کرنا چاہتی ہے - اسے اس بات کا خیال نہیں کہ لوگوں کی شکایات کیا ہیں - لوگوں کو کن کن باتوں کی تکلیف ہے اور کن کن آپتیوں کا سامنا کرنا پڑتا ہے - اسکے لئے اسے ذرا بھی چلتا نہیں ہے - لوگ کیا کہتے ہیں یہ سلسلے کی پرواہ نہیں کرتی بلکہ وہ لیسٹ ریزسٹنس (least resistance) کا راستہ اختیار کرتی ہے - اور جب جی میں آتا ہے آرڈیننس جاری کرکے یا نئے نئے بل پیش کر دیئے جاتے ہیں - ایسا ہی اب کیا جا رہا ہے ایک سال کی میعاد بڑھانے کی اجازت ہے لیکن اس سے فائدہ نہ اٹھا کر تین سال کا اضافہ کرنیکے لئے ترمیمی بل پیش کر دیا گیا ہے - اور لطف یہ ہے کہ وزیر صاحب کو یہ بھی پتہ نہیں ہے کہ پچھلے سال جب ۴ سال کی میعاد مقرر کی گئی تھی تو وہ سمجھوتہ کے طور پر ہوئی تھی - میں نے اسوقت بھی اسکی مخالفت کی تھی اور اندیشہ ظاہر کیا تھا کہ کہیں یہ مستقل صورت اختیار نہ کر لے - میں آج بھی یہ کہتا ہوں کہ آپ مکانوں کی کمی کے مسئلہ کو اسطرح حل نہیں کر سکتے - قانون کے میعاد کو دو سال بڑھا دیجئے یا تین سال بڑھا دیجئے اسکا حل نہیں ہو سکتا - میں سمجھتا ہوں کہ انہیں رائے عامہ سے ڈرنا چاہیئے - افسوس ہے کہ اب پبلک اوپینین کا بھی کوئی ڈر گورنمنٹ کو نہیں رہا ہے - بل کے اغراض و مقاصد میں صاحب صدر جو دوسری بات ہے کلاز (۲) میں ظاہر کی گئی ہے - اسمیں صرف سنٹرل گورنمنٹ اور ایمپلوز (راج دوتوں) کا ذکر ہے - حالانکہ واقعہ یہ ہے کہ سنٹرل گورنمنٹ اور ایمپلوز کے لئے اتنے مکان نہیں لئے گئے ہیں جتنے کہ ٹیچنی کمشنر کے حکم سے لوکل حکم کے لئے ریکوزیشن کئے گئے ہیں - مجھے تعجب ہوا جب منسٹر صاحب نے بتایا کہ کل ۸۱ مکان اس ایکٹ کے ماتحت دو سال کے عرصہ میں ریکوزیشن کئے گئے ہیں - حالانکہ چیف کمشنر نے ایڈوائزری کونسل میں جو جواب جولائی ۱۹۴۹ میں میرے ایک سوال کا دیا تھا - اسمیں بتایا تھا کہ ۱۱۰ مکانات جون ۱۹۴۹ تک ریکوزیشن کئے گئے ہیں - یہ بیان میرے پاس موجود ہے - اور پھر آج منسٹر صاحب یہ کیسے کہہ رہے ہیں کہ کل ۸۱ پریمیسز ریکوزیشن کئے گئے ہیں - اس کے علاوہ مجھے یقین ہے کہ پچھلے چھ ماہ کے عرصے میں اور بھی ۱۰۰ سے زیادہ مکان ریکوزیشن ہو گئے ہونگے - جسکا آنریبل منسٹر کو علم ہونا چاہیئے تھا - اس کے علاوہ صاحب صدر اسوقت میں نے اور بعض دوسرے ممبروں نے اعتراض کیا تھا - کہ اگر آپ کی ضرورت صرف ایمپلوئز اور گورنمنٹ آف انڈیا کے ملازمین کے لئے ہے تو آپ نہو دہلی سے باہر کہیں جائے ہیں - تب بتلایا گیا تھا کہ اسمیں صرف دہلی اور نیو دہلی کے علاقے بڑھائے گئے ہیں - اور اگر آگے چلکر اشد ضرورت ہوئی تو اور علاقے حاصل کئے جائینگے - لیکن ہوا کیا کہ ایکٹ پاس ہوا نہیں کہ ساری پرانی دہلی کو

[شری دیش بندھو گپتا]

اسمیں شامل کر دیا گیا - اس نہ صرف یہ کیا گیا بلکہ زیادہ تر مکان پرانی دہلی کے ڈیکوزیشن کئے گئے - جسکا کہ منسٹر صاحب کو نہ علم ہے اور نہ اندازہ -

میرے پاس چیف کمشنر کے ایڈوائزری کونسل کی کاروائی ہے - جس میں یہ بھی بتلایا گیا تھا کہ جون سنہ ۱۹۴۹ تک ۲۳۵ مکانات کو نوٹس دیا گیا تھا اور ان میں سے ۱۲۰ مکان ڈیکوزیشن کئے گئے ہیں - جسکا مطلب یہ ہے کہ ۱۲۵ کے قریب مکان ایسے تھے جنہیں ڈیکوزیشن کرنیکا نوٹس دینے کے بعد چھوڑ دیا گیا - جناب صدر ! ہاؤس کے معزز ممبروں کو آجکل کی گورنمنٹ کی مشینری کیسے چلتی ہے اسکا اندازہ ہے - اسلئے ہاؤس آسانی سے سمجھ سکتا ہے کہ ایک دفعہ مکان کے ڈیکوزیشن ہونے کا نوٹس ملنے کے بعد اگر وہ مکان چھوڑ دیا گیا تو اس سلسلہ میں مکان مالک کو کیا کچھ کرنا پڑا ہوگا اور کتنے لوگوں کی خوشامد اور جھک کرنی پڑی ہوگی - اس کے علاوہ آپ اسکا بھی اندازہ کر سکتے ہیں کہ اس چکر میں کتنے دن تک انکے مکان خالی رہے ہونگے - لیکن آنریبل منسٹر کو اسمیں کا کوئی احساس نہیں ہے - جب میں نے یہ سوال چیف کمشنر کی ایڈوائزری کونسل میں اٹھایا تو انہیں تسلیم کرنا پڑا کہ واقعی اسکا defective ہے administration رہا ہے - انکے نوٹ کے الفاظ یہ ہیں -

Of late the work of requisition and allotment of houses has not been done satisfactorily. Requisition proceedings have been conducted somewhat on irregular lines, and the allotment of houses has been done by more than one authority. As a result, there has been considerable confusion and discontent. The whole matter has been considered by the Chief Commissioner. The following instructions are issued."

یہ نوٹ اگست سنہ ۱۹۴۹ میں میرے اندولن کے بعد چیف کمشنر نے جاری کیا تھا - جناب صدر ! میں ایک نہیں کئی مثالیں ایسی دے سکتا ہوں کہ لوگوں کو جن مکانوں کے نوٹس دئے گئے ان پر ایک سال سے پولیس کے تالے پڑے ہوئے ہیں - اور مکان بالکل خالی ہیں - نہ ہی تو یہ گورنمنٹ کے کام آتے ہیں نہ پبلک کے اور نہ ایلاٹ لوگ کے کام آتے ہیں - اور نہ ہی ایلاٹ لوگ کو انکا کرایہ ملتا ہے -

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شری مہابیر تیاگی : آپ کے خیال سے کتنے مکان خالی ہونگے -

شری دیش بندھو گپتا : اس کے سلسلے میں جناب کی توجہ میں چیف کمشنر کے ایڈوائزری کونسل کے جواب کی طرف دلاؤنگا -

Prof. N. G. Ranga: May I ask for some clarification from my honourable friend? Are there any landlords in the City who have not been able to realise their rents? Is it not a fact that they are making much more money now?

Shri Deshbandhu Gupta: How does it arise?

Mr. Speaker: Let it not be argued between the hon. Members.

Shri Deshbandhu Gupta: My friend has not followed me, Sir, perhaps because of the difficulty of language. For his benefit I might explain it in English. My point was that this measure is being enacted without due regard to its provisions and the assurances given by the Honourable Minister on the floor of the House. In actual practice a number of houses have been requisitioned by the local authorities, they have been sealed and are lying vacant for more than one year; they are neither being used by the Government servants nor by the landlord nor by any tenant. In this connection, let me refer to a question which I asked and the reply given by Government. The question was:

"May I know the number of houses which were sealed under orders of the Deputy Commissioner and remained unoccupied for more than and up to six months?"

The answer was:

"In about 13 cases premises which were found vacant at the time of the service of the preliminary notice were sealed to evade occupation by bogus tenants."

ایک سال سے یہ مکان بند پڑے ہیں اور یہ کسی کے کام نہیں آ رہے - میں نے یہ بات چیف کمشنر کی نوٹس میں لا دی اور وقتاً فوقتاً آنریبل منسٹر کی توجہ بھی اس کی طرف دلائی ہے کہ دہلی میں اس قانون کا دراپھوگ کس طرح سے ہو رہا ہے - لیکن افسوس ہے کہ ان کی توجہ صرف ان ہی مکانوں کی طرف رہی ہے جو کہ ایسٹیٹ آفیسر کے ذریعے ایمرجنسی اور گورنمنٹ آف انڈیا کے لئے ریکوزیشن کئے جاتے ہیں - ہمیں کچھ خبر نہیں ہے کہ شہر میں اس قانون کے نام پر کالی اندھیر گردی مچ رہی ہے اور کتنے لوگوں کو اس کی وجہ سے تکلیف ہو رہی ہے - وہ کہتے ہیں کہ میں لینڈ لارڈ (Landlord) کی تکلیف کا زیادہ خیال رکھتا ہوں - لیکن میں پوچھنا چاہتا ہوں کہ آپ ٹیننٹس (Tenants) کی تکلیف کا کیا خیال رکھتے ہیں - جو مکانات خالی پڑے ہیں کیا وہ ٹیننٹس (Tenants) کی مدد کر رہے ہیں - اگر نئے مکان نہیں بنیں گے تو کس پرکار ٹیننٹس کی مدد ہوگی - کیا گورنمنٹ کے قانون کی تین چار سال اور میعاد بڑھانے سے مکانوں کی تعمیر میں جو رکاوٹ پیدا ہوگی اس سے ٹیننٹس کی مدد ہو گی - میرے خیال میں اگر وہ سمجھتے ہیں کہ ایسا کر کے وہ ٹیننٹس کی مدد کر رہے ہیں تو وہ بڑے دھوکے میں ہیں -

میں نے ایک امنڈمنٹ کا نوٹس دیا تھا مگر اس کو آنریبل منسٹر نے سمریلی رجیکٹ (Summarily reject) کر دیا ہے - توہم کی مراد یہ تھی کہ کم سے کم نئے مکانات پر یہ قانون نہ لگایا جائے - تاکہ نئے مکان بنانے والوں کے لئے کوئی انسینٹیو (Incentive) رہے - کوئی کشش رہے - ایسا کرنا ضروری ہے تا کہ نئے مکان بننے بند نہ ہو - پچھلے دو سالوں میں بہت کم مکان بنے ہیں - اچھا ہوتا اگر وزیر صاحب بتلا سکتے کہ پچھلے دو سالوں میں کتنے نئے مکان بنے ہیں - میرا مطلب ان مکانوں سے نہیں ہے جو کہ گورنمنٹ نے اپنے لئے بنوائے بلکہ میں یہ پوچھتا

[شری دیش بادھو کھنا]

ہوں کہ شہر میں کتنے نئے پرائویٹ (Private) مکان بنے - آخر اس بڑھتے ہوئے شہر میں ہزاروں پرائویٹ مکان ہر سال بنتے تھے - کیا انہوں نے یہ جاننے کی کوشش کی کہ ان دو سالوں میں ایسے کتنے مکان بنے اور ان میں سے کتنے ریکوزیشن (Requisition) کئے گئے ہیں - میں نے اس بارے میں بھی ایک سوال کیا تھا جس نے جواب میں چیف کمشنر نے بتلایا تھا کہ کل آٹھ لئے مکان تھے جو کہ گورنمنٹ حاصل کر سکی ہے - میں پوچھتا ہوں کہ کیا اتنی کم تعداد مکانات کو لینے کے لئے ایسا قانون بنانا ضروری ہے جس سے ہر شخص کو جو کہ نیا مکان بنانا چاہتا ہے تو ہو جائے کہ اس کا مکان ریکوزیشن ہو جائے گا - کیا یہ مناسبی کی بات ہے - کہا جاتا ہے کہ اس سے پگڑی کو روکنا مقصود ہے مگر مجھے تعجب ہوتا ہے کہ اس ہاؤس میں ایسی کمزور دلیلیں دی جاتی ہیں - میں پوچھتا ہوں کہ کیا پگڑی کو روکنے کے لئے رینٹ کنٹرول ایکٹ (Rent Control Act) موجود نہیں ہے - کیا وہ ختم ہو گیا ہے - پھر کیا میں یہ بھی پوچھ سکتا ہوں کہ گورنمنٹ نے کتنے کیسز (cases) رینٹ کنٹرول ایکٹ کے ماتحت چلائے اور پگڑی کو روکنے کی کوشش کی - مجھے افسوس کے ساتھ کہنا پڑتا ہے کہ محض اس طرح کے نعروں اور سلوگنس (slogans) سے گورنمنٹ نہیں چل سکتی اگر حکومت چلانی ہے تو ہمیں مکنوں کی کسی کے مسئلہ کو حل کرنا ہوگا - وزیر صاحب کو چاہیئے تھا کہ لینڈ لارڈز(landlords) کی ایک کانفرنس (conference) بلاتے اور ان کا کوآپریشن (cooperation) حاصل کرنے کی کوشش کرتے - یہ قانون دو سال کے لئے تھا اور اب ٹرپیل ملسٹر پھر تین سال کے لئے اس کی میعاد بڑھوانا چاہتے ہیں - لیکن ان دو سالوں میں انہوں نے یہ جاننے کی کوشش نہیں کی کہ شہر میں پہلے کی طرح نئے مکانات کیوں نہیں بن رہے - کیا انہوں نے یہ پوچھنے کے لئے کبھی لینڈ لارڈز کی کانفرنس بلائی کہ وہ مکانات کیوں نہیں بناتے اور ان کی مشکلات کیا ہیں - کیا انہوں معلوم ہے کہ ان کو سیمنٹ آسانی سے نہیں ملتا - لوہا بہت پبلک ورکس (Public Works) کے ٹھیکیداروں سے بلیک میں مل جاتا ہوگا - لوہا نہیں ملتا - لائنوں پر پابندی ہے - ضرورت ہے کہ ان چیزوں کی سپلائی دی جائے - اور تعمیر کے راستے میں جو رکاوٹیں ہیں دور کی جائیں - تاکہ مکان بنانے والوں کو انکریجمنٹ (encouragement) ملے - محض قانون کی میعاد بڑھا دینے سے نہ تو ٹیننٹلنس (tenants) کی بھلائی ہو سکتی ہے اور نہ گورنمنٹ کی نیک نامی ہو سکتی ہے - اور نہ مسئلہ کا حل ہو سکتا ہے - جناب صدر! میری یہ رائے ہے کہ اس قانون کی اس وقت کوئی ضرورت نہیں ہے - موجودہ ایکٹ میں گورنمنٹ کو اختیار ہے کہ وہ ایک برس کے لئے نوٹیفیکیشن (notification) کے ذریعہ میعاد بڑھا سکتی ہے - ہاؤس کے سامنے

کتنے اور ضروری کام پڑے ہیں - اس قسم کے بلوں پر ہاؤس کا وقت لینا نامناسب ہے - گورنمنٹ نوٹیفیکیشن کر کے ایک سال کے لئے معیاد بڑھا سکتی ہے اور اس عرصہ میں اس بات کی کوشش کر سکتی ہے کہ لوگوں کو اپنے طور پر مکانات بنوانے میں سہولیت ملے -

جناب صدر! میں نے پچھلی مرتبہ بھی جب یہ سوال ہاؤس کے سامنے آیا تھا بہت سی تجویزیں پیش کی تھیں کہ کس طرح سے دہلی میں ہاؤسنگ انڈسٹری (housing industry) کو ترقی دی جا سکتی ہے - لیکن اب تک ان پر کوئی دھیان نہیں دیا گیا - میں ان تجویزوں کو دہرا کر ہاؤس کا مزید ٹائم (time) نہیں لینا چاہتا تھا - لیکن کیا کیا جائے - اگر ایک بچہ امتحان میں فیل ہو جاتا ہے تو اس کو پھر وہی کتابیں پڑھنی پڑتی ہیں - اس لئے مجھے بھی اپنی تجاویز دہرانے کی ضرورت محسوس ہو رہی ہے تاکہ گورنمنٹ کے کانوں پر جوں رینگے اور ہاؤسنگ انڈسٹری ترقی کر سکے - جناب صدر! میں آپ کی اجازت سے کہنا چاہتا ہوں کہ گورنمنٹ کو اس مسئلہ کو ایک ریلسٹ (realist) کی نظر سے دیکھنا چاہیئے - مثال کے طور پر نئی دہلی میں سینکڑوں بڑے بڑے بنگلے موجود ہیں - ان میں بڑے بڑے احاطے (compounds) ہیں اور تمام ضروری سروسز موجود ہیں - میں نے تجویز کی تھی کہ گورنمنٹ لوگوں کو اجازت دے کہ وہ ان احاطوں میں نئے مکان (ایڈیشنل اکوموڈیشن) بنوا سکیں - مگر افسوس ہے کہ گورنمنٹ آج تک کوئی فارمولا نہیں بنا سکی کہ جو لوگ اپنے کمپاؤنڈ میں ایڈیشنل اکوموڈیشن بنانا چاہتے ہیں وہ اس کے مطابق بنوا سکتے - سرکار کے یہاں اتنا ریڈ ٹیپ (red-tape) ہے کہ فائلیں ایک دفتر سے دوسرے دفتر میں گھومتی رہتی ہیں اور اس طرح برسوں بیت جاتے ہیں - آج گورنمنٹ شادی پور میں اور دوسری جگہوں میں شرنارتھیوں کے لئے مکانات بنوانے پر لاکھوں روپیہ خرچ کر رہی ہے - لیکن جہاں سروسز موجود ہیں، نہ پانی کی دقت ہے، نہ سینیٹری سیورس (sanitary sewers) کی دقت ہے، اور نہ بجلی کی دقت ہے اور نہ گورنمنٹ کو روپیہ لگانا پڑتا ہے - لہٰذا لوگ اپنے بنگلوں میں اپنے روپے سے ایڈیشنل اکوموڈیشن بنانے کو تیار ہیں - وہاں کوئی سہولیت نہیں دی جاتی ہے - بلکہ ان سے یہ کہا جاتا ہے کہ اگر وہ ایڈیشنل اکوموڈیشن بنائیں گے تو ان کو ایڈیشنل پریمیم (premium) دینا ہوگا - اب آپ خیال فرمائیے کہ ایک طرف تو یو - کے (U. K.) کی ڈیموکریٹک گورنمنٹ (democratic government) ہے اور دوسرے آزاد ملکوں کی سرکاریں ہیں جو نئے مکان بنانے والوں کو انکریجمنٹ (encouragement) دیتی ہیں اور سبسڈی (subsidy) دیتی ہیں - اور ایک ہماری سرکار ہے کہ ان کے راستہ میں نئی نئی رکاوٹیں پیدا کرتی ہے اور کوئی ایسا فارمولا نہیں بنا سکتی کہ ان کو انکریجمنٹ ملے -

[شری دیش بندھو گپتا]

جناب صدر ! میں تو اس درجہ مایوس ہوں کہ یہ کہنے پر مجبور ہوں کہ قانون کی میعاد کو تو تین سال ہی کے لئے کیوں بڑھایا جاتا ہے - مستقل (permanent) کیوں نہیں کر دیا جاتا - اگر آنریبل منسٹر یہ ایشیورنس (assurance) دے سکتے کہ سنہ ۵۲ کے بعد اس قانون کی ضرورت نہیں رہے گی تب تو تین سال کی میعاد مقرر کرنا سمجھ میں آ سکتا تھا - میں پوچھنا چاہتا ہوں کہ ان کا کنسٹرکٹو پروگرام (constructive programme) کیا ہے - جس سے کہ سنہ ۵۲ تک وہ اس مسئلہ کو حل کر لینگے - صرف یہ کہنے سے کہ انہوں نے چار یا پانچ ہزار مکان اپنے کلرکوں کے لئے بنوا لئے ہیں یہ پرابلم (problem) حل نہیں ہو سکتا - آج ہمیں جنتا کو صاف صاف بتلانا چاہیئے کہ کس طریقے پر ہم اس ہاؤسنگ (housing) کے مسئلہ کو حل کر سکتے ہیں -

یہ بتلانے کی ضرورت نہیں ہے کہ روٹی اور کپڑے سے زیادہ آج ہاؤسنگ کا مسئلہ ہے - اگر آپ دہلی کی سڑکوں سے گزرئے تو آپ دیکھیں گے کہ ابھی تک پٹریوں پر رفیوجیز پڑے ہوئے ہیں - سارے دنیا کے ایمبیسیڈر یہاں سے گزرتے ہیں لیکن آج دو سال ہو گئے کہ ہماری گورنمنٹ ان کو یہاں سے نہ ہٹا سکی - چند روز ہوئے اسٹیٹسمین میں نکلا ہے کہ اس طرح کی رہائش سے کیسی کیسی اخلاقی بیماریاں دہلی میں پیدا ہو رہی ہیں - یہ تمام باتیں اس لئے ہو رہی ہیں کہ ہاؤسنگ کی طرف کوئی توجہ نہیں کی جاتی اور اس کو کوئی اہمیت نہیں دیجاتی - کام کرنے کا کوئی طریقہ نہیں ہے کہ آنکھیں بند کر کے گاڑی کو دھکیلتے جائیں اس طرح سے گورنمنٹ نہیں چل سکتی - میں سمجھتا ہوں کہ دہلی والوں کے ساتھ ایک بڑا بھاری انیائے ہو رہا ہے - دہلی والوں کے منہ میں زبان نہیں ہے - دہلی کی آبادی ڈھائی گنا ہو گئی ہے لیکن دہلی والوں کی مصیبتیں کوئی نہیں محسوس کرتا - دہلی والے مکان بناتے ہیں تو اس کے ریکیزیشن کا نوٹس آ جاتا ہے اس سلسلے میں میرے نوٹس میں ایک ایسا کیس آیا کہ کوئی ۹ مہینے سے ایک مکان پر تالہ ڈالدیا گیا - اس میں سوڈا ایش کے بورے پڑے تھے غریب مکان دار کا کافی نقصان ہو گیا وہ بورے وہیں بند پڑے ہیں اور قیمتیں گر جانے سے اس میں کافی خسارہ ہو گا - یہ نقصان کیا گورنمنٹ دیگی ؟

پھر کرایوں کا کوئی فیصلہ نہیں ہوتا - لینڈ لارڈس کو پیسہ نہیں دیا جاتا بلکہ کرایہ بھی نہیں مقرر ہوتا وہ بیچارے کبھی تحصیلدار کے دفتر میں ٹھوکریں کھاتے ہیں کبھی ڈپٹی کمشنر کے یہاں جاتے ہیں - غرضیکہ کوئی پوچھنے والا نہیں - ایسی اندھیر گردی میں سمجھتا ہوں کہ گورنمنٹ کے لئے کوئی کریڈٹ کی چیز نہیں ہے ابھی سدھوا صاحب نے کہا کہ اس کی میعاد اور بڑھا دی جائے انہیں کیا معلوم کہ دہلی والوں پر

کیا گزرتی ہے۔ مہمبران یہاں آتے ہیں بلکلوں اور کانسٹی ٹیوشن ہاوس میں ٹھہرتے ہیں انہیں کیا معلوم کہ یہاں کیا ہو رہا ہے اور یہاں مکانوں کی کیسی دقت ہے - صرف پکڑی کا نام سن لیا ہے۔ ہر بات میں کہہ دیتے ہیں کہ اگر ایسا نہ کیا گیا تو پکڑی شروع ہو جائیگی - پکڑی کو روکنے کے لئے آپ کے پاس علیحدہ قانون موجود ہے آج لوگوں کے بلے بنائے مکان اکیوزیشن کے تحت ادھورے پڑے ہوئے ہیں - ہمیں چاہیئے کہ ہم انہیں سہولیت دیں تاکہ وہ اپنا مکان بنا سکیں - لہذا میں پھر دہراتا ہوں کہ اس طرح کے قانون سے یہ مسئلہ نہیں حل ہو سکتا میں ہاوس کا اددھک سے نہ لیکر آنریبل منسٹر سے کہوں گا کہ وہ نئی دہلی کو ہی دہلی سمجھیں اور اگر قانون پاس کرنا ہی ہے تو اس کا اطلاق صرف نئی دہلی پر کریں -

میں امید کرتا ہوں کہ آنریبل منسٹر صاحب محض دلائل کے لئے دلائل دینے کی کوشش نہ کریں گے بلکہ مسئلہ کو حل کرنے کی کوشش کریں گے اور اس طرح کے قانون پر دارومدار نہ کر کے جلتا کا کولوریشن نئے مکانات کے بنوانے میں حاصل کرنے کی کوشش کریں گے -

(English translation of the above speech)

Shri Deshbandhu Gupta: Sir, I am sorry to have to stand in opposition to this Bill. I was greatly disappointed to hear the speech which the hon. Minister delivered before you just now in moving this amending Bill. In the Statement of Objects and Reasons of this Bill the very first reason given is that the present Act is to expire on the 31st December. There is, however, a provision in the Act itself that the Government of India can extend its operation for a year simply by means of a notification. Hence, I feel that the present, at least, was not the time for the bringing in of an amendment of that nature. The Government already enjoys considerable powers under the previous Act. Its term could be extended by one year by means of an ordinary notification, but things have come to such a pass that our national Government, I am grieved to say, has become an Ordinance Government. It wants, today, to rule by means of ordinances. It cares not to ascertain what are the peoples' grievances and what are the various difficulties which they have to experience. It is not in the least worried about the various hardships they have to face. It does not care to listen to what the people say. On the other hand, it chooses the path of least resistance. Whenever it likes it issues ordinances or brings forward new Bills. This is what is being done now. One year's extension of the term is permitted, but instead of that provision being utilized, an amending Bill has been introduced for effecting an extension for three years. What is more, the hon. Minister is unaware that when the term was fixed as two years, last year, it was done by way of a compromise. Even on that occasion I opposed it and expressed my fear lest it should become a permanent measure. Today again I say, you cannot solve the problem of housing scarcity in that manner. Even if you extend the term for two years or even three years you cannot thereby effectively solve the problem. I feel that he should have fear of public opinion. It is a pity that the Government no longer has any fear of public opinion. The second consideration included in the Statement of Objects and Reasons of the Bill is mentioned in Clause (2). It mentions the Central Government and the embassies, even though the fact is that so many houses have not been requisitioned for the Central Government and the

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embassies as for the local officers by order of the Deputy Commissioner. I was surprised when the hon. Minister stated that 81 houses in all had been requisitioned under the Act during the period of two years, although, in the statement which the Chief Commissioner made at a meeting of the Advisory Council in July, 1949, in reply to one of my questions, he stated that 110 houses had been requisitioned up to June, 1949. I have this statement with me. How is, then, the hon. Minister stating today that 81 premises, in all, have been requisitioned. And, I am sure that, in addition to that number, even more houses, exceeding 100, must have been requisitioned during the period of the last six months, of which the hon. Minister should have knowledge. Moreover, Sir, an objection was made in the House then by me and also by some other Members that if the Government's need was restricted only to the employees of the embassies and the Government of India why should they go beyond New Delhi. It was then stated that only the areas comprising Daryaganj and the Civil Lines had been added, and that more localities would be added later on only if this was found most essential. But, what did actually happen? The Act was no sooner passed than it was made applicable to the whole of Old Delhi, and not only was it made applicable it was mostly in Old Delhi that most of the houses were requisitioned, of which the hon. Minister has neither knowledge nor a proper idea.

I have with me the proceedings of the Chief Commissioner's Advisory Council, wherein it was stated that up to June, 1949 notices in respect of 245 houses had been given out of which 120 houses had been requisitioned. This means that about 125 houses were such as were released after the requisitioning notice had been served. Sir, the hon. Members of this House are familiar with the working of the present day machinery of the Government, and the House can easily understand that when a house is released after the issuing of requisitioning notice what various steps the landlord must have been obliged to take, what entreaties he must have had to make and the palms of how many different persons must he have been obliged to grease. Besides, you can also realize for how many days those houses must have remained vacant while these complications lasted. But, the hon. Minister simply has no feeling about it. When I raised this question at the meeting of the Chief Commissioner's Advisory Council, he had to admit that the administration in that behalf had really been very defective. His note runs thus:

"Of late the work of requisition and allotment of houses has not been done satisfactorily. Requisition proceedings have been conducted somewhat on irregular lines, and the allotment of houses has been done by more than one authority. As a result, there has been considerable confusion and discontent. The whole matter has been considered by the Chief Commissioner. The following instructions are issued."

This note was issued by the Chief Commissioner in August, 1949, after my agitation. Sir, I can cite not one but several instances in which houses in respect of which notices were served on people have had police locks on them for a year but they are quite vacant. They are being used neither by the Government nor by the public, nor by the landlords. Nor are the landlords being paid the rent in respect of them.

Shri Mahavir Tyagi (U.P.: General): How many houses, do you think, must be vacant?

Shri Deshbendhu Gupta: I would, in this connection, draw your attention to the reply given by the Chief Commissioner at the Advisory Council meeting.

Prof. N. G. Ranga (Madras: General): May I ask for some clarification from my hon. friend? Are there any landlords in the City who have not been able to realise their rents? Is it not a fact that they are making much more money now?

Shri Deshbandhu Gupta: How does it arise?

Mr. Speaker: Let it not be argued between the hon. Members.

Shri Deshbandhu Gupta: My friend has not followed me, Sir, perhaps because of the difficulty of language. For his benefit I might explain it in English. My point is that this measure is being enacted without regard to its provisions and the assurances given by the hon. Minister on the floor of the House. In actual practice, houses have been requisitioned by the local authorities, they have been sealed and are lying vacant for more than one year; they are neither being used by the Government servants nor by the landlord nor by any tenant. In this connection, let me refer to a question which I asked and the reply given by Government. The question was:

"With reference to the reply given.....may I know the number of houses which were sealed under orders of the Deputy Commissioner and remained unoccupied for more than and up to six months?"

The answer was:

"In about 13 cases premises which were found vacant at the time of the service of the preliminary notice were sealed to evade occupation by bogus tenants."

For the past one year, these houses have remained sealed and are proving useful to none. I have brought the matter in the notice of the Chief Commissioner and have also, at times, drawn the hon. Minister's attention to the manner in which the law in this respect was being misused in Delhi. I am sorry to state that their attention has, so far, remained confined to those houses only which are requisitioned through the Estate Officer for use of the embassies and the Government of India. He is hardly aware of the preposterous excesses committed under cover of this Act and of the consequent acute inconvenience being caused to numerous people in the City. He claims to be more mindful of the hardships caused or likely to be caused to the landlords. But I would like to know in what way he takes into consideration the hardships being experienced by the tenants. How can the houses lying vacant at present prove helpful to the tenants? Unless construction of new houses is undertaken the tenants will remain unhelped as ever. Will it go to benefit the tenants any way if there is an obstacle placed in the way of construction of new houses as a result of agreeing to a three to four years' extension to this legal measure brought forward by the Government. In my opinion they are labouring under a great illusion if they consider their action any way beneficial to the tenants.

Besides, I had given notice of another amendment which the hon. the Minister had summarily rejected. The amendment in question sought that, at least, the new houses should not be governed by this Act, leaving thereby some scope for a little incentive and attraction to the prospective house-builders. Such a course is necessary to adopt so that construction of new houses may not stop altogether. Very few new houses have been built during the past two years. It would have been better if the hon. Minister had disclosed the number of new houses built in the last two years. I do not mean thereby those houses which the Government got built exclusively for their own purposes. My query, on the other hand, relates to the private houses built in the City only. After all thousands of private houses used to be built every year in this ever-expanding City. Did he ever try to investigate into the number of such houses built during these two years? I would like to know it also as to how many of those houses he got requisitioned. I had made an enquiry also in this behalf and the Chief Commissioner had revealed that the Government were able to requisition eight houses in all. It is surely not a wise thing to enact a law of this type simply to requisition such a small number of houses—a

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law which, nevertheless, is a source of perpetual fear of future requisitioning to the private house-builders. They justify its enactment on grounds of providing a check to *pugree* system. I am simply amazed to note the weak nature of arguments advanced in this House. May I know if we have not the Rent Control Act as the proper measure to stop such practices. Is that Act no more effective to check *pugree*? May I also know as to how many cases were challanned under that Act to check that practice? I have to state with regret that a Government cannot be run on a law of this kind or mere slogans. If we really mean to run the administration, it is imperative that we set ourselves to solve this problem of house-shortage. The hon. Minister should have convened a conference of the landlords to secure their co-operation. Originally the life of this Act was restricted to two years but the hon. Minister now comes to seek an extension for three years. In these two years, however, he has made no efforts to find out the reason as to why no more new houses were being built in the City. Did he ever call a conference of the landlords to know the cause of their inability and other difficulties in regards the construction of new houses? Is he aware that they are unable to get cement easily? The limited quantity they might procure is possible only in the black-market from the contractors of the Public Works Department. Nor can they get any iron and bricks which are controlled. It is necessary that facility to procure these materials should be extended and other obstacles be removed to provide encouragement to the prospective house-builders. The mere extension in the law can do no good to the tenants, neither redound to the prestige of the Government nor provide a solution of the problem. Sir, I am of the opinion that there is no necessity of this law at present. In the present Act it is provided that the Government can extend it for one year by promulgating a notification. The House has to deal with many other important things; it is improper to involve its time in such like Bills. The Government could extend it for one year by a notification and meanwhile make efforts to provide facilities to people to build houses on their own initiative.

Sir, on the last occasion also when this issue had come before the House, I had made many suggestions indicating ways and means to promote the housing-industry in Delhi; but they seem to have received little consideration so far. I had no wish to take any more time of the House by repeating those suggestions, but, just as a student, once failed in an examination, has to read the same books again, so it has become necessary for me to repeat my arguments so that the Government may become a little alert and the housing-industry may progress. Sir, with your permission I wish to call upon the Government to view this problem in a realistic manner. For sake of an instance, there are hundreds of big bungalows in New Delhi which have spacious compounds within them. The said bungalows are equipped with all types of 'services'. Previously I had suggested that the Government should permit people to construct a sort of an 'annexe' in their compounds by way of additional accommodation. But I am sorry to note that, so far, they have failed to formulate any policy to enable the intending builders to have additional accommodation in their compounds. There is so much of a 'Red-tape' at work in Government offices that a file has to move from one office to the other and so the years pass by. Lakhs of Government rupees are being spent these days on Shadipura and other places on construction of houses for the displaced persons, but no facility is offered to places where 'services' exist already; where there is no difficulty about water, electricity or sewers; where the landlords are willing to construct additional accommodation in their bungalows on their own expense and where the Government are not called upon to incur any expenditure. On the other hand they are required to pay additional premium in case they decide to have additional accommodation built. On one side there are instances of the democratic Government of U.K. and governments of other countries who

encourage the house-builders and even sanction grants of a 'subsidy' whereas here in this country, our Government puts up fresh obstacles in their way every now and then. It is incompetent to chalk out a formula to provide them any encouragement. Sir, I am so much disappointed as to say that it is no good to extend it for three or four years only. They may well enact it as a permanent measure. The extension could be understandable provided the hon. Minister can give assurance of its being no longer necessary after 1952. I want to know if he has to offer some constructive programme whereby we could solve the problem by 1952. The mere statement that some 4,000 to 5,000 clerks' quarters have been built, brings us no nearer its solution. We should make it quite clear to the public as to how we intend to solve the 'housing' question. It begs no elucidation to say that next only to food and cloth, we are faced today with this problem of housing. If you happen to pass by the roads in Delhi, you will find thousands of refugees living on the pavements even now. The ambassadors from all over the world pass along these places but the Government have failed to remove these refugees even though full two years have gone by. A few days ago the *Statesman* had published that living in such conditions has, at places, given rise to many peculiar unsocial and immoral practices and diseases in Delhi. All this is happening because no attention is being paid to the housing problem nor we attach any importance to it. This is not a proper way to work; this means to go on pushing the cart with eyes closed. It is impossible to run the Government like that. I regard the people of Delhi as victims of an injustice of high magnitude. They possess no voice to raise. The population of the City has jumped to two and a half times of what it was before, but none seems to care for the hardships of its people. A notice of requisition is served on them as and when they happen to build a house of their own. In the recent past I have come across a case with regard to a house which remained sealed for nine months. Within this house there were bags of soda-ash. The poor house-owner has suffered much loss. The bags remain within the house and a further loss is feared due to prices going down. Are the Government prepared to pay out this loss?

Besides, the rents are not determined, the landlords are not paid. Even the rent is not fixed. The poor fellows have, sometimes, to knock about in the *Tahsildar's* office and sometimes they have to go to the Deputy-Commissioner. In short, there is no check by anybody. Such chaotic conditions are, I think, not creditable to the Government. Just now Mr. Sidhva gave his opinion that the term should be further extended. How should he know what hardships are suffered by the people of Delhi? The Members come here and stay in bungalows or at the Constitution House. What do they know what is happening here and what a great hardship is being faced in the matter of houses. They have simply heard the name of *pugree*, so that on every occasion it is said if this is not done this would encourage the *pugree* system. You already have the specific law to deal with the practice of *pugree*. The houses already in an advanced stage of construction are lying as they are, for fear of requisitioning, further progress in their construction being held up. We should provide the people with facilities to enable them to complete them. Hence, I repeat that the problem cannot be solved by means of a law of that kind. I shall not take any more time of the House and suggest to the hon. Minister that he should regard New Delhi alone as Delhi and that if he must have this measure passed he should make it applicable to New Delhi alone.

I hope the hon. Minister will not try to put forth arguments for the sake of arguments but make an effort to solve the problem. He should not depend on legislation of this kind but try to secure the co-operation of the public in the construction of new houses.

Shri Jaspat Roy Kapoor (U.P.: General): Sir, I feel that we must express our gratitude to the hon. Minister of Works, Mines and Power for having placed

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this Bill before us for our consideration. I do not agree with my hon. friend Mr. Deshbandhu Gupta who would have preferred that, rather than bring forward this Bill before us, the hon. Minister may have extended the old Act by one year merely through notification. While on the one hand Mr. Gupta has a grievance that very often this Government wants to carry on its business by issuing Ordinances and notifications, on the other hand, when the Government, even though they had the power to extend the period of the old Act by notification, have brought forward this Bill to give us an opportunity to express our views on it and to make criticism of its various provisions and to suggest suitable amendments therein, he has again a grievance as to the procedure that has been adopted. This is saying things in a contradictory manner. While I am in agreement with some other portions of the speech of my hon. friend, I cannot agree with him in this criticism. I think the hon. Minister for Works, Mines and Power has done very well to come forward with this Bill before us and to ask us for our support to it and to suggest such amendments as appear to us to be necessary and reasonable.

Shri Deshbandhu Gupta: Extension for three years.

Shri Jaspat Roy Kapoor: I support this Bill to the extent to which it goes. But I am of the view that this Bill does not go far enough, because the scope of this Bill is very limited. According to this Bill and the previous Act, buildings can be requisitioned only for the purposes of Government, and not for the purposes of the general public. So I think the scope of the Bill is very limited. It would have been much better if it had been wider and more extended. I will deal with this aspect of the question presently, but in my introductory remarks I only desire to submit that I support this Bill to the extent it goes and I very much wish that it may have gone much further.

While supporting this Bill, I must submit that I do not feel happy at all over the circumstances and over the situation which have necessitated the bringing forward of this Bill. The accommodation position in Delhi is very acute. It was argued two years ago when the previous Act was introduced that it would ease, but today we are told by the hon. Minister that not only does the acuteness still prevail but rather it has increased. During this period of two years, we should have expected the Ministry of Works, Mines and Power to adopt the necessary measures to remove this acuteness. Rather than having done it in a satisfactory manner, they have acted in such a way that today we find that the position is still worse. It is stated in the Statement of Objects and Reasons of this Bill that the Government has not the necessary finances to carry on a building programme on any extensive scale. That may be so. But this acuteness in the financial position is of recent origin. A few months ago, this financial stringency did not exist. But even if it did, may I ask why the Ministry should not have summoned to its aid private capital and private enterprise? Could they not have thought of approaching the various big insurance companies to persuade them to invest the huge resources which they have in their coffers in the building of various colonies in different parts of Delhi? The industrialists had been summoned to Delhi on various occasions recently to take counsel with them and to ask them to increase the production of this commodity and that commodity. Could not the Ministry of W.M.P. have followed the example of the Industries and Supply Ministry and the Home Ministry in this respect?

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen).]

Could they not have called a conference of big capitalists, both of Delhi as also of outside? Could they not have called a meeting of the Managing Directors of the big insurance companies and requested them to invest their capital in a building programme in Delhi? I think this is what they should have done. But they did not do it. If they have thought in that direction, I would be glad to know that from the hon. Minister. But so far as we know, up till now nothing of that sort has been done. I, therefore, think, Sir, that while this Bill is necessary, merely confining ourselves to such legislation would not serve the purpose we have in view. Nor should the Government confine their activities merely to a building programme for their own government servants. As I have submitted, Sir, they must think of constructing buildings for the general public as well. That they have not done.

4 P.M.

Now, Sir, the object of this Bill is two-fold. Firstly, it provides for the requisitioning of private buildings for government purposes and secondly it provides for the eviction of unauthorised occupants of government premises. There is no doubt, Sir, that there is a great shortage of accommodation in Delhi—everybody knows it only too well. That is because of the fact that the population of Delhi has increased considerably, particularly during the past two years on account of the influx of refugees. Many of the unscrupulous local landlords, taking advantage of the fact that the demand is much greater than the supply, have resorted to very unfair practices. Several of them have not only been charging exorbitant rents, but have been demanding heavy sums of money in the shape of what is now notoriously known as *pugree*. The amount of this *pugree* goes up even to many thousands—10 thousand, 20 thousand and 25 to 30 thousand. It need not be said, Sir, that I am making any exaggeration in this respect. I know it for a fact that in some cases *pugree* to the extent of 25 to 30 thousand has been charged—and charged from those who have come over here from Pakistan.

This pugree money is charged now not only by the unscrupulous landlords, but this money is shared even by the tenants themselves. Some tenants who have no more use of the premises which they are occupying, as far instance when they are leaving Delhi either on transfer or for some other reason, would not leave the premises unless and until the landlord also agrees to share the *pugree* money with them. This *pugree* money is charged in two forms: either in the absolutely naked form of hard cash or in the shape of exorbitant prices for their furniture. Pieces of furniture worth about Rs. 2,000 are sold for as much as Rs. 10,000 or Rs. 15,000, so that no criminal charge may be brought against the person who is charging that money. This evil is increasing like anything and it has assumed very alarming proportions. Such being the regrettable state of affairs, I should have thought that the Government would have come forward with a provision whereby this evil practice could be put an end to.

The problem, as will be readily admitted, is a huge one, but this Bill does not even touch the fringe of it. As I have already submitted, Sir, it seeks to requisition property only for government servants. May I ask, Sir, why only government servants are to be looked after by this Government? Why should not the necessity of the general public be looked after? This Bill seeks to ignore the convenience and the necessity of the general public absolutely. It does not look at the problem from that angle at all. The Bill is not conceived that way. May I ask, Sir, is it to the credit of a democratic government, is it to the credit of a popular government, that it should look to the comfort and to the convenience of merely government servants and should not think at all of providing necessary accommodation to the public at large. I submit,

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Sir, it is a very wrong policy and I very much wish that the Government should incorporate in this measure power to requisition private property for the purpose of accommodating members of the general public as well. Let it not be said that I am making a suggestion of an astounding character..

In the United Provinces we have an Act which empowers the District Magistrate to requisition property for private individuals also. Not only that, it goes much further. According to the law in force there, whenever any building is vacated by any tenant the landlord has got to inform the District authority that the particular premises has fallen vacant and it can be allotted only in the manner the District Magistrate suggests. Now something like that ought to have been incorporated in this Bill. Then and then alone could any relief have been given to the general public. As the Bill stands at present, relief can only be given to the government servants and none else. The definition of "public purpose" according to the old Act is "any purpose which is so declared by rules made under this Act".

Mr. Chairman: May I just bring to the notice of the hon. Member the statement made by the hon. Minister that the rules are going to be changed enlarging the scope of the words "public purpose."

Shri Jaspat Roy Kapoor: What the hon. Minister said while moving this motion was that in the rules "public purpose" would include the rehabilitation of refugees. My submission is that "public purpose" should not only include rehabilitation of refugees, but also requisitioning of building for any member of the public, be he a refugee or not.

As I was submitting, we have in the United Provinces a law in force which covers the entire public. I think the hon. Minister for Works, Mines and Power will take my suggestion into consideration, and even if he is not prepared to go the whole way and does not emulate the good example of the U.P. Government, I hope he would at least definitely include rehabilitation of the refugees within the meaning of "public purposes". My hon. friend, the Mover has assured us that he is prepared to consider this suggestion and that while reframing the rules, he will so reframe them that this may be included as one of the 'public purposes'. I am grateful to him for giving us that assurance. While I am on this, I may point out to him that heretofore the interpretation of 'public purposes' and the interpretation of the rules which have been framed by his Ministry have been of a very narrow character. While in the old city of Delhi the District authority, the Deputy Commissioner, has been good enough to requisition certain premises for the purposes of refugees holding that he was duly authorised to do so within the rules that have been framed, so far as New Delhi is concerned, the interpretation has been entirely a different one. The Estate Officer of the Government of India who is duly authorized to requisition premises in New Delhi has definitely held the view that it is not open to him to requisition any premises for the purpose of accommodating refugees. Not only that, Sir, may I, with your permission, bring to the notice of the hon. Minister a very regrettable case of a person who is a very respectable person and a duly registered refugee and in fact he is even related to me. He saw the Deputy Commissioner here and he requested him to requisition a particular property which was going to fall vacant in New Delhi. He was instructed by the Deputy Commissioner that he should approach the Estate Officer in that respect because the Deputy Commissioner had no authority in that behalf as the building was in New Delhi. He, however, recommended the application that was sent to the Estate Officer here. That particular gentleman visited the Office of the Estate Officer half a dozen times and up till now he has had no

definite reply in writing, but he was orally told that it was beyond the jurisdiction of the Estate Officer to requisition any property for him, because he was a private individual and not a Government servant. Not only that, Sir, that particular property which was going to fall vacant did fall vacant after a few days and that particular property was not requisitioned even for Government purposes and the previous occupant of that property after having a large sum of money as *Pugree*, left that property and went away somewhere else. This is the way in which these things are going on under the very eyes and under the very nose of the Central Government. I wish, Sir, that such a thing should not be allowed to happen and that the Government should come to the help and rescue of the general public also.

Now that the hon. Minister is pleased to give us an assurance that the rehabilitation of refugees also shall be considered to be a 'public purpose', I will not take the time of the House in saying anything more than this. I will only say that in doing so, the hon. Minister will be adopting the right course because the Government has already taken the responsibility of giving accommodation to three lakhs of refugees here, that is, those who have been duly registered, persons who have come from West Punjab by December, 1947 and others who have come from Sind and the N.W.F.P. up to some day in February, 1948. The Government have taken upon their shoulders the responsibility of providing roofed accommodation to these refugees. The hon. Prime Minister and the hon. Minister of State for Rehabilitation have said more than once that they will see to it that every refugee is properly accommodated. That being so, Sir, I think, it is absolutely necessary that the rehabilitation of refugees must be one of the duly recognised public purposes. Whether it is under the Act or under the rules, does not make any difference.

Now, Sir, I come to the other object of this Bill, and that is the eviction of unauthorized occupants of Government property. This is a new provision which is going to be incorporated in this Bill. It was not there in the previous Act and according to the Statement of Objects and Reasons of this Bill, we are told that many a Government premises are under unauthorized occupation by refugees. So, Sir, the only object of incorporating this new provision in the Bill is to see that the refugees who are in possession of Government premises in an unauthorized manner may be evicted and if they refuse to do so, there is a new provision which is going to be added in this legislation and it is to the effect that such persons shall be liable to imprisonment up to six months and a fine of Rs. 1,000. Well, Sir, I would not for a moment suggest that we should encourage unauthorized occupation of Government premises. Far be it from me to suggest that, but then while trying to evict unauthorized persons from Government premises, we must not forget the tragic circumstances under which the refugees had to occupy these Government premises. Firstly, they could occupy these Government premises only because they were vacant and for that reason much of the sting of the unauthorized occupation goes away and, therefore, if a particular Government building during 1947-48 was lying vacant and if the persons turned away from Western Pakistan came over here and occupied those vacant buildings, well it may be illegal, it may be unauthorized, I do not think, Sir, that they were very much unjustified in doing so under the stress of necessity. After that, what do we find? The Government has taken upon itself the responsibility of providing them with due accommodation. From time to time our Prime Minister and even the Cabinet have held that they shall not take stern measures to remove these refugees from the Government premises which they have occupied in an unauthorized manner until and unless suitable alternative accommodation is provided for them. I think, Sir, that it was some time in December 1948 when it was given out in the Press that according to the decision of the Government no unauthorized occupant, if he is a refugee, shall

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be turned out unless and until and so far as possible, of course, suitable alternative accommodation is provided to the refugee. That was definitely given out in the Press in December 1948, and I have reason to believe, Sir, that this was a definite decision arrived at by the Cabinet itself. Now that being a definite decision of the Cabinet, I do not see any reason why we are enacting a legislation on the subject contrary to that decision. It should be specifically provided in the legislation itself that no refugee shall be turned out from any Government premises, unless so far as possible, of course (I repeat the words so far as possible, of course) suitable alternative accommodation, suitable according to the view of the Government and not suitable according to the view of the person who is going to be evicted, unless and until a suitable accommodation is provided to the person who is going to be turned out. Not only that, only so recently as August 1949 a definite statement was issued by the Government to the following effect. With your permission, Sir, I will read it out. It is not a very long one. It appeared in the papers dated August 14, 1949 and I am reading from the *Hindustan Times*, Sir. It was to this effect:

"All displaced persons who are in unauthorized occupation of Government premises or are sharing Government accommodation with the allottees or have been given temporary allotment by the Estate Officer or are holding accommodation on sub-lease from the allottee, are requested to register themselves with the Estate Officer, "N" Block, Rajouna Road, New Delhi, immediately, says a Press note.

Applications giving the following particulars in a form obtainable from the Estate Officer should be forwarded to the latter, so as to reach him not later than August 31, 1949. The Estate Officer will issue a registration card in acknowledgement of the application. Those who get themselves registered as above, will be given consideration for alternative accommodation before eviction, and those who fail to do so will be evicted without being considered for alternative accommodation."

My submission is, Sir, that after this definite declaration of the Government policy, after this definite assurance given by the Government (and yet, more, Sir,) I remember that our hon. Prime Minister during the last rainy season gave out a similar definite assurance to the refugees that none of them shall be turned out from the places which they are occupying unless suitable alternative accommodation was provided for them. After all these definite assurances by the Government, after this decision of the Cabinet, and after this assurance by the Prime Minister, the question is, should all these assurances now be ignored and whether we should come forward with legislation to the effect that such unauthorised occupants shall now be driven away from the places which they are occupying, and if they fail to do so, they are threatened with imprisonment for six months or a heavy fine of Rs. 1,000? I know that the hon. the mover of this Bill has assured us that the Government will do their best to secure suitable accommodation and that they are not going to take any stern measures to remove these persons from the places which they are now occupying up to March 1950. While we ought to be grateful to him for giving that assurance, the question is, is that enough to serve the purpose of the refugees? Certainly not. What is going to happen after March 1950? We know what little can be done during the period between now and March 1950. It may be possible to construct a few scores or a couple of hundreds of houses by the Ministry of Rehabilitation. A few hundreds of houses are not going to solve this problem. It is absolutely necessary that the assurances given by the Ministry, the decision of the Cabinet and the assurances of the hon. the Prime Minister must be respected and given effect to and we must have in this Bill a definite provision to the effect that the unauthorised occupants shall not be driven out, provided they are refugees, unless and until suitable alternative accommodation is given to them. Let this provision be not of a general nature; let that provision be in conformity with the assurances which have been held out, to the effect, that all those persons who

had duly given the required information to the Estate Officer that they are in unauthorised occupation of the buildings, and to whom the Estate Officer had issued a certificate to that effect, according to that notification, should not be evicted unless and until suitable alternative accommodation is provided for. I, therefore, submit that in this respect the hon. the mover would do well to give his serious consideration and see his way to accept the amendments which I have proposed in this connection. I have nothing more to say. I would appeal to the hon. the mover once again to look to the difficult conditions in which the refugees are living and to take a very sympathetic view of the whole situation. He should not be carried away by such considerations that in a certain number of cases the refugees have not behaved well. While making his introductory speech, the hon. the mover wanted us to realise how many of us, members of this House who have refugees as our sub-tenants or as our co-tenants, knew to our cost that we had not done the right thing. It may be that in one or two or half a dozen cases, the refugees had not behaved well. There may be some hundreds of cases in which they did not behave well. But, looking to the very large number of refugees, I think it cannot be said as a general proposition that in all cases the refugees have acted in a way that they lose all our sympathy. All refugees should not be tarnished with the same brush.

Shri M. Tirumala Rao (Madras: General): Sir, I do not want to take up the time of the House very much except that I am tempted to go into some of the provisions of the Bill which may work as a hardship on some of our friends.

The Government seem to be enamoured of instituting one Authority after another. Recently we had the experience of a Transport measure brought forward by my hon. friend Mr. Santhanam who wanted an Authority. Just now, Sir, your predecessor, the Minister of State in charge of Information and Broadcasting has brought into existence another Authority by means of his Bill. Thus, during the course of a week, we have brought into existence.....

The Honourable Shri N. V. Gadgil: There is no Authority here.

Shri M. Tirumala Rao: I know; the Authority is there already. I want to know how that Authority has been working under your control. Of course, the provisions of the Bill are drastic; but the situation is also drastic. What I feel is that the housing problem is so acute that it deserves the attention exclusively of one gentleman who may be called a Deputy Minister or a Minister of State. There is no use of loading, however broad the shoulders of my hon. friend may be, his shoulders with the great responsibility of looking after the very heavy port-folios like Works, Mines, Power and Houses. It may be seen from the pictures published in the newspapers.....

Shri H. V. Kamath: Housing comes under the Health Ministry.

Shri M. Tirumala Rao: Technically, housing comes under the Health Ministry; but the practical job of bringing into existence the houses and the production of the materials for their construction falls to my hon. friend.

Dr. P. S. Deshmukh (C.P. and Berar: General): Housing to the extent of prefabrication is probably under the Health Ministry.

Shri M. Tirumala Rao: After fabrication, the houses come to my hon. friend's care. When you see the magnitude of the problem, it is not enough for the Government to come to the House and ask for some powers to eject some thousands of people and also to imprison them or fine them. The Government must look upon this problem in a broader aspect and devote more attention to this than merely asking this House to arm them with some penal powers.

[Shri M. Tirumala Rao]

As my hon. friend has suggested, there are very many varieties of people who have come to squat in Delhi as long as it is convenient. As long as this *laissez faire* policy is followed, nobody will be willing to vacate the premises that they have been occupying for so many months. But, what about the house-less poor people who are spending these cold nights in shivering cold in shed without proper covering over their heads? You must have seen the pictures published in the "Statesman" three or four days ago; you will realise how inadequately the housing problem is being tackled by the Government. I would ask the Government to take a more comprehensive and extensive view of the matter than merely tinkering with a few powers here or there to arm their officers with. We are living in Government houses; we know how the Estate office is dealing with this problem.

Shri Mahavir Tyagi: He is charging high rents.

Shri M. Tirumala Rao: They are increasing the rent. There are so many miscellaneous items in this rent. There are gardens: we have never seen the face of the gardener except the item gardening in the Bills. There are flower-beds: the plants are all pining for the attention of the Minister or his officers. With regard to the Constitution House, Sir, I am amazed that they have not got proper rules. If you ask a guest to be entertained, the guest goes on staying for six months or eight months. I have got a notice where I have been illegally mulcted to the extent of Rs. 600 by the Government. Anyhow, I was stiff enough and I threatened them that I was not going to yield to their arbitrary rules. I can understand the difficulty of the Minister and his officers in evicting the persons.

Shri K. V. Kamath: May I ask whether my hon. friend wrote to the Estate Office that that person was no longer his guest when he did not want him to continue as his guest?

Shri M. Tirumala Rao: I wrote to the Estate Office. I did not want to take the time of the House. But as my hon. friend is curious to know, I shall tell how we suffer.

I authorised one person to be temporarily entertained as a guest; but the Estate office had stretched its meaning to be six months. They never told me of this for six months.

Mr. Chairman: Let us confine ourselves to this Bill.

Shri M. Tirumala Rao: This is with regard to the problem of eviction, with regard to illegal occupation with or without the knowledge of the Government staff. That is what I am going to stress

Prof. Shibban Lal Saksena (U. P.: General): Did you tell them that he is no longer your guest?

Mr. Chairman: There should be no flurried talk across the table. Will you proceed?

Shri M. Tirumala Rao: I will finish in two or three minutes. I will give them the information that they want.

I had authorised one Mr. Sharma to stay for 4 days in the Constitution House. Another gentleman by name Padmanabhan managed to stay for 7 months and the Estate Office deducted Rs. 700. When I went to the Estate Office one of the subordinates there had the cheek to say to me 'You have to evict the person' whom I had not authorised. I can understand some of the unfortunate M.L.A.s trying to take protection under this eviction clause.

I completely agree with Mr. Kapoor that the poor tenant is at the mercy of the very greedy landlords who want to extort exorbitant rents—not only that, but also *pugree*. But I want that the Department of my hon. friend must act efficiently. If the points that have been brought by my friend Mr. Gupta are correct that several houses are being kept locked up without being used either for tenants or for Government purposes, it is time that my hon. friend the Minister devotes a little more attention to see how his Department is working. With these words. I generally agree with the principles of this bill.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, ever since the war started, there have been many controls and many expected that after the war controls would be removed but controls have been stiffened after the war on acoount of the necessity that had arisen in this country for various articles, and therefore the controls—in principle which is good—have become really an evil and therefore these measures have been all unpopular but this is the only measure—the rent control and requisition act—which is most popular.

Some Honourable Members: Not at all.

Shri R. K. Sidhva: Not in Delhi. But I can say that Government deserves credit that despite the opposition of a few landlords—not in Delhi only but in the various provinces—they have mustered courage and said that it is in the interest of the largest number of people and must continue. I entirely agree and am glad that this Bill has been brought to this House. Of course at times it happens that a house occupied by a landlord is requisitioned by Government for their officers or for private purposes for the better interests of the class of people for whom they want the house to be requisitioned. There are instances where requisitions have been done not in a justifiable case but the fact remains that the requisitioning is necessary not only in the interest of the officers but also in the interest of the general public and if it had not been enforced, there would have been chaos in the country. This Government is popular as far as this Act is concerned. I have no doubt about that as I move among the people. My friend Mr. Gupta of course is a resident of Delhi and knows better about Delhi than I do. He says I am residing in the Constitution House lavishly and therefore I don't know anything. But Sir, I remain six months in a year moving about on the streets with my eyes open and for the rest in a 12 x 10 ft. room in the Constitution House. I don't reside on the Keeling Road in a small palace. But from the little room that I occupy in the Constitution House I see what is happening in Delhi. I must state that I have tabled an amendment and I wanted to go further but the Minister does not want to accept it.

Shri Deshbandhu Gupta: May I interrupt him and know whether he realises that he is giving powers to evict thousands of tenants?

Shri R. K. Sidhva: I am coming to it.

The Honourable Shri N. V. Gadgil: I am not evicting anybody excepting unauthorized occupants.

Shri R. K. Sidhva: I know my friend Deshbandhu has a very sincere purpose for which he has objected to this Bill. Of course he represents that class of people and it is natural that he must oppose the bill as he has done. But for the larger number of persons, for the greater good of the country I am sure my friend Mr. Gupta who is always liberalminded, would support it and withdraw his opposition. This is a measure in which there are difficulties. I know various Governments and particularly this Government have acted in requisitioning houses wrongly but individual cases have no place when the principle is

[Shri R. K. Sidhva]

good. Certainly we have brought certain cases to the notice of the Minister and the Estate Officer, from time to time, and they have not been redressed but that does not mean that we should oppose a very good measure which will benefit a large number.

My friend, Mr. Kapoor, has exhaustively mentioned about the eviction of refugees. I entirely agree with him. The problem of refugees is very acute and I know they have unauthorisedly occupied many Government houses and they have been allowed, through the generosity of Government to remain for a long time without paying any rent and Government have done the right thing. But certainly at some stage some steps have to be taken for ejecting them, and then it is necessary that alternative arrangements should be made for them. There is no question about it and I am sure Government which is always spending large sums of money for rehabilitation will bear this in mind and see that while we are giving them power to eject persons through this bill, they will certainly bear in mind that the displaced persons are not put to great hardship. My friend Mr. Gupta rightly stated that food and shelter are greater than even services. I entirely agree with him. The housing problem has become so acute and he mentioned certain immoralities that have come about through lack of houses. It is therefore the duty of Government to see that the displaced persons are put in a proper place as early as possible. Mr. Gupta asked what have Government done during this period and how many more houses have been built and why not have a programme for a number of years. My friend forgets that every day there is an increase in the population of Delhi. Every day some persons are entering into Delhi thinking that there is all kinds of facilities available here. That is the position. How can the Government fix up a programme when the population is fluctuating in the sense that they are growing more and more in number?

Shri Deshbandhu Gupta: My question was whether requisitioning had not retarded the building of more houses?

Shri R. K. Sidhva: Yes. There are not as many houses built in Delhi as in other parts of India. I don't know who is responsible for that. My friend should not hold the Government only responsible for that but also the landlords. The landlords want from Government certain kinds of guarantees that they shall allow them to realize certain percentage from rent and Government should not take away these buildings etc. These guarantees cannot be given. The landlord must remember that he increases the value of the land immensely. What was the price of a house five years ago and what is the price now? To that extent he is benefited which should not be lost sight of. If the material is not available, I must certainly say that Government are at fault and they must see that building materials are available. In Bombay many new houses are coming up and I don't see why they can't do it in Delhi. My friend Mr. Gupta should take it up and he should call a Conference of landlords, and ask them why they have not built more houses. If he feels that building materials are not available, he must complain and I shall support it but has he taken that step and has he called a Conference of landlords? It is his duty also to do the right thing by the State and therefore while I entirely agree with.....

Mr. Chairman: May I request the hon. Member to discuss the principles of the Bill rather than continue comments on the conduct of another hon. Member?

Shri R. K. Sidhva: Sir, I am speaking on the Bill, Sir, especially on the subject of requisitioning houses. I say that if there had been more houses constructed, there would not have been this necessity to requisition these houses.

The requisitioning of houses would have automatically stopped. It is not the Government that should do its duty but the public or the private people also have to build more houses. That is the point I am making out. In light of this discussion, I am sure my hon. friend Mr. Deshbandhu Gupta will withdraw his opposition to this Bill, which I am sure will receive the heartiest support of the House; if not the unanimous support, at least a very large number of Members of the House will support it.

Sir, I do not want to go into the general question of having a building programme and having a plan before Government. We know under what circumstances the Government have had to out down their building programmes. I only want to say that this Bill has my entire support. Sometimes the Government has succumbed to the pressure brought by the landlords and the capitalists. I would request them not to do so. They must be impartial and just as they have been all along and they must see that they do not surrender to this kind of pressure.

Shri Deshbandhu Gupta: Does my hon. friend realise that he is not talking on the Rent Control Bill?

Shri R. K. Sidhva: But you have talked about all sorts of things. If you had confined your remarks to requisitioning only, I would not have been obliged to make these remarks. You brought in all sorts of things in this debate.

Mr. Chairman: The hon. Member will please confine himself to the Bill and bring his remarks to a close.

Shri R. K. Sidhva: Therefore, Sir, I commend this Bill for the support of the entire House, and I am sure my friend Mr. Gupta will be generous enough to withdraw his opposition to the Bill.

Shri H. V. Kamath: Sir, I do not want to make a long speech, but only want to get a little information from the hon. Minister in the course of his reply to this debate. I hope he is listening, Sir, because I would like to get this information. He has referred to the acute shortage of accommodation in the country as a whole and also in Delhi, and in the Objects and Reasons of the Bill he has referred to the construction of Government units in Jungpura, Nizamuddin and other places. May I know from the hon. Minister whether in computing the number of units under construction or that are going to be constructed next year, he has calculated or taken into account the number of houses that are going to be built by the housing factory under the Ministry of Health? That factory is expected to make about a hundred houses per week, commencing from next March or so. Are these houses also being taken into account when thinking of measures to relieve pressure on accommodation? I feel it is a little unfortunate that this part of house construction, that is to say, the building of prefabricated houses has been divorced from the Works Department of the hon. Mr. Gadgil's Ministry and made over to the Ministry of Health. I want to know whether there is coordination between the works branch, I mean the P.W.D. branch of the Ministry of Works, Mines and Power and the Health Ministry. I mean the housing part of the Health Ministry. Really speaking, it should have been under the Works, Mines and Power Ministry, but I do not want to quarrel about that now; and I only want to know how many prefabricated houses will be built and how many of them will be made over to the refugees and also to the Ministry of W.M.P. to relieve pressure on accommodation. On the Board of Directors of this Housing Factory, the Ministry of Industry and Supply, the Finance Ministry and the Labour Ministry are all represented, along with the Ministry of Health. I do not see why the Ministry of Works, Mines and Power which is intimately connected with the building of houses and providing accommodation has not been represented on this board at all.

[Shri H. V. Kamath]

I would like to know whether the hon. Minister has at all moved in this matter, and whether it is not necessary to associate one of his engineers with the Board of Directors of this housing factory. I would therefore, request the hon. Minister to look into these matters and if possible, to give a reply to these points in the course of his reply to the debate on this Bill.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): Sir, I move:

"That the question be now put."

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Shri N. V. Gadgil: Sir, I do not propose to deal with all the points. A point was raised by my hon. friend Mr. Deshbandhu Gupta about the exact number of requisitioned houses. What I said was, or what I meant to say was, in any case, that the number that was given was the number of houses requisitioned by the Central Government for the Central Government. The Delhi Local Administration has requisitioned 110 houses up to the end of March 1949, or as has been said by Mr. Gupta, up to the end of June. He said that 245 notices were issued and actually 120 houses were requisitioned, that clearly shows how carefully the thing is done by the local authority.

Now, as regards new houses, Mr. Gupta apparently thinks that the provisions for controlling the rent are quite enough. But that is not so. As the hon. Member knows, the rents are fixed by a government officer—the Rent Controller, and according to the present provision, 6 per cent. returns are calculated and rents are fixed accordingly. But the question of *pugree* comes in when the house is allotted. Allotment does not rest with the Government, but with the owner or the landlord, and he may allot it to anybody by taking *pugree*. The only relief that is open to the tenant is to go to a criminal court for giving the *pugree* or if the rent is high, to go to the Controller to fix the proper rent and get the rent adjusted.

The only force in the arguments advanced is to what extent this would affect new constructions. As far as I know, the main factor in that respect is the inadequacy of building materials, and the second factor is the habit of Delhi investors to speculate They purchase land or plots and then sell it at higher prices and it is only very recently that the prices have come down. Due to this reason, the buildings which ought to have come up by now, have not yet been built.

Now, Mr. Kapoor has spoken very earnestly and I am moved, let me confess; and I am prepared to consider his suggestion for the inclusion of displaced persons in the definition of "public purposes". He will, however, agree that I cannot do it just now, but when I revise the rule, I will certainly give it my best consideration. But the only difficulty will be that if I allot requisitioned houses to a private person it is very difficult for me to get the rent. The privity of contract is between me and the landlord to whom I have got to pay the rent whether I receive it from the private tenant or not. In the case of an official, I can immediately deduct the rent from his salary. But I am not going to exaggerate this difficulty. What I promise is that I shall consider this. As it is, I am doing it to some extent. But I shall extend it, and if I am so advised I shall certainly include it in one of my Rules.

As regards eviction I wish to assure the House that whatever has been promised in the Notification of 14th August 1949 will be done. The details as to

the manner in which the problem has been reduced from time to time have been given by me when I moved for consideration. There are just 1,800 people and not more. 600 houses have already been promised by the Rehabilitation Ministry. I will take up that question. At the same time I expect that hon. Members will not insist that I should give alternative accommodation which the unauthorised occupants would consider to be suitable. That matter must rest with me.

Shri Jaspat Roy Kapoor: I had also suggested similarly.

The Honourable Shri N. V. Gadgil: I am very glad. In regard to displaced persons, if I were to accept Mr. Deshbandhu Gupta's suggestion, surely I cannot come to his relief. If I am to extend the exemption from 50 per cent. to 60, 70 or 80 per cent., on the one hand you ask me to provide for displaced persons and, on the other, you want that all the new constructions should be exempt from requisition procedure.

Shri Deshbandhu Gupta: You will have many more new constructions.

The Honourable Shri N. V. Gadgil: You will see the incongruity of it. I have gone as far as I can go and I am sorry that I cannot go beyond that.

Sir, I am very grateful to my hon. friend Mr. Sidhva for the speech made by him and I have already forgotten the troubles he has given me so far in his supplementaries.

Shri Jaspat Roy Kapoor: Will the hon. Minister consider the advisability of summoning a conference of representatives of insurance business etc. in connection with the building programme?

The Honourable Shri N. V. Gadgil: The suggestion made by my hon. friend to call upon investors and managers of companies to come and establish their headquarters here, I shall consider. But this involves a big proposition, namely, of Government undertaking the responsibility and obligation of housing non-official people. That was one of the recommendations of the Bhore Committee. But to what extent we can do it in the present circumstances is certainly a matter for consideration. But I can assure my hon. friend that I will give my best consideration to the suggestion which he has made, and I do hope he along with his friends will co-operate with me.

Shri Jaspat Roy Kapoor: Will he consider the suggestion that the investment of insurance funds in such projects may be considered as investment in "approved securities"?

The Honourable Shri N. V. Gadgil: That also shall be considered. As regards the complaints in the Constitution House which was referred to by my hon. friend Mr. Tirumala Rao, I think in the interest of the good name of the Members of this House it is desirable that I should not reply to that criticism.

As regards the remarks made by Mr. Kamath I want to state that the houses that will come into existence as a result of the housing factory going into commission are not included in this.

Shri R. K. Sidhva: Why should the pre-fabricated factory be within the jurisdiction of the Health Ministry? I don't understand it.

Shri H. V. Kamath: To what use will these houses turned out by the housing factory be put?

The Honourable Shri N. V. Gadgil: They will be allotted to government servants: they will also be sold to members of the public.

Shri T. T. Krishnamachari (Madras: General): Not to members of the Constituent Assembly?

The Honourable Shri N. V. Gadgil: I think they are also members of the public.

Shri Deshbandhu Gupta: May I know whether an enquiry will be made into the maladministration of the provisions of the Act and the instances that have been brought to his notice of houses lying vacant for twelve months and not used by any government servant?

The Honourable Shri N. V. Gadgil: Obviously they are few in number, but I shall certainly take them into consideration.

Shri H. V. Kamath: Will the hon. Minister consider the desirability of associating one of his Engineers with the Board of Directors of the housing factory?

Shri B. Das (Orissa: General): I think the policy relating to the housing factory scheme and the distribution of those houses is the sole responsibility of the Cabinet and not that of any particular Minister.

The Honourable Shri N. V. Gadgil: Sir, I don't think I need reply to it.

Mr. Chairman: The question is:

"That the Bill to amend the Delhi Premises (Requisition and Eviction) Act, 1947, and to validate certain orders, be taken into consideration."

The motion was adopted.

Shri R. K. Sidhva: Sir, I have tabled an amendment to clause 2 which reads thus:

"That in clause 2 of the Bill, in the proposed sub-section (4) of Section 1 of the Delhi Premises (Requisition and Eviction) Act, 1947, for the figures '1952' the figures '1955' be substituted."

Sir, my reasons are very simple. We know the position of the housing problem in Delhi, and I am quite confident that at the end of 1952, with the best of efforts of the Government, the housing problem will not be solved as we expect it to be solved. I do not want the Government to come to this House frequently when a measure of such kind is certainly necessary. For a period of five years the Government should keep such a programme that after a particular period the question of continuity of the Act may not arise. With this object in view I have brought this amendment. The hon. Minister stated that as a democratic practice he wants to come before the House again in 1952. But does he give the assurance that by 1952 the housing problem will be solved and that he will not come before the House again, asking for extension of the Act? Considering the vastness of the problem, should not five years be the minimum period? I think the hon. Minister will reconsider the position.

The Honourable Shri N. V. Gadgil: Sir, I am not accepting my friend's amendment.

Shri R. K. Sidhva: If, despite my appeal, he is not prepared to accept my amendment, I will not move it.

Dr. P. S. Deshmukh: Sir, I want to speak on the clause. I for one welcome the step taken by the hon. Minister in bringing this Bill before the House rather than resorting to a mere Notification. My reason is that it gives the House an opportunity to discuss the condition of housing as a whole and also consider how far these provisions have been effective and beneficial. Sir, it is quite well known that the whole position is most disgraceful, and I do not endorse the compliments paid by my friend Mr. Sidhva to the Estate Office.

Shri R. K. Sidhva: I paid no compliments to the Estate Office; I complimented the Minister on the Bill.

Dr. P. S. Deshmukh: I think that the whole Estate Office requires to be completely overhauled. There are a number of hon. Members of this House who have been victimised by this Estate Office. There have been complaints to the hon. Minister. I do not know what he had up his sleeve when he threatened one hon. Member of this House by saying that he did not want to enter into the facts of the case because it was likely to expose that particular Member or some Members. The fact remains that a good many of the hon. Members of this House acted up to the suggestion of the hon. the Prime Minister and some persons who were not really refugees have taken undue advantage of the goodness of the Members of this House. Members come here for legislative work and not for fighting cases in the law courts of Delhi. In so many cases people have had to pay Rs. 500 or Rs. 1,000 without staying in the house for long periods and in spite of correspondence with the Estate Office and complaints to the hon. Minister we have found that a very large number of Members of this House have suffered. If that is the condition of hon. Members of this House, who are supposed to be the legislators for the whole of India, you can imagine how this Act must have been enforced throughout the Province of Delhi to the detriment of the general public as well as Government officials. The hon. Minister has come forward with a measure asking for an extension of three years but in his speech he said the extension was only for two years. Though I have not given notice of an amendment, I would really welcome these provisions being in force only for a year more, so that at the end of a year we may have another opportunity of taking stock and examining the whole position.

5 P.M.

Sir, he has admitted that there is housing scarcity and that he is trying to do his best. But nothing is moving forward. I fully agree with the criticism that has been levelled by Mr. Deshbandhu and hope that the hon. Minister, the democrat that he is, will institute an enquiry into the working of the whole Department including the Estate Office and see that no room is left for legitimate complaints in this respect. Here is a Bill which wants to make provision for requisitioning and eviction, but that by itself is no relief to anybody. Here it is merely removing certain people from certain premises and putting them into certain others. There are a host of cases in which requisitioning has been done wrongly. Of course, the power of eviction is sought to be taken for the first time, but we have no doubt that if the Department and the Estate Office are going to work in the manner they have done so far, there is every likelihood that these extensive powers will be more misused than used rightly.

So, I would have really liked to take stock of the position at the end of a year and be able to tell the Minister how far these powers which he and his Ministry will get have been used for the good of the people. From that point of view, I think this extension of three years is too much. I think it was a mistake of the press, a printer's devil probably, that instead of 1951 the figure 1952 has been inserted. Everybody heard the hon. Minister repeat more than twice that he wanted this enactment only for two years. I want the hon. Minister to come forward and say that it is a mistake and that it should be 1951 instead of 1952.

The Honourable Shri N. V. Gadgil: Sir, I want to reply to only one point. It is about the grievance of certain hon. Members of the House who, in response to the appeal of the Prime Minister, shared their accommodation with refugees. The legal difficulty is that the privity of contract was between the hon. Member and the Government—there was no privity of contract in the other case to enable the Government to recover rent from the sub-tenant or the sharer. Even when

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the house had been surrendered, we found it very difficult to get possession but, of course, after some efforts possession had been recovered from most of the persons who continued to stay after the respective houses were surrendered by the hon. Members. We are trying to see whether it is possible for the Government of India to sue them and recover the money and repay the money already deducted from the allowances of the hon. Members.

Sir, there is nothing that can justify the criticism of the Estate Office. The Estate Office went by the rules and I think we are strictly within the limits of the law.

Shri D. L. Sondhi (East Punjab: General): Why do you want it for two years instead of one?

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Pandit Hirday Nath Kunzru (U. P.: General): Sir, it is five o'clock now.

Mr. Chairman: We are to go on till six.

Shri Deshbandhu Gupta: May I be permitted to move my amendment?

Mr. Chairman: It is not in time. The hon. Member has sent in his amendment late and the hon. Minister is not agreeable to accept it. Therefore, I don't allow this amendment to be moved.

Shri Deshbandhu Gupta: May I be permitted to offer some remarks?

Mr. Chairman: The hon. Member has already made his speech, but if he persists, I will certainly allow him.

Shri Deshbandhu Gupta: I won't take long. I only wish to request the hon. Minister to reconsider the question which was raised by my amendment. He says he will be willing to give up to 50 per cent., but there is a practical difficulty there. Who is going to decide which 50 per cent. is to be requisitioned? In a residential house particularly, it becomes practically impossible to divide the house fifty-fifty or twentyfive-seventyfive. In view of that, I would request him to reconsider the position and give an assurance to the House that while framing the rules he will make an experiment and see for one year whether the removal of this restriction, so far as the new houses are concerned, is helpful or not. I think such an assurance will satisfy the general demand and the housing industry also will get an impetus.

The Honourable Shri N. V. Gadgil: I do not want to go beyond 50 per cent., but in implementing that policy laid down in the Government of India communiqué, I am quite prepared to discuss further any practical difficulties. In fact, I don't want the policy to be one which cannot be implemented. So, I am quite prepared to discuss that with him and it is not necessary to accept his amendment.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Shri Jaspat Roy Kapoor: Sir, in view of the assurance given by the hon. Minister to the effect that the policy as stated in the notification of August, 1948, will be adhered to, I don't propose to move my amendment to clause 5.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Shri Jaspat Roy Kapoor: Sir, I beg to move:

"That for clause 6 of the Bill, the following be substituted :

'6. *Amendment of Section* 12, *Act XLIX of* 1947.—In clause (e) of sub-section (2) of section 12 of the said Act, for the words "premises requisitioned", the words "Government premises as defined in *Explanation* to sub-section (1) of section 11 of this Act" shall be substituted.' "

Sir, I understand the hon. Minister is prepared to accept this amendment, hence I ventured to move it. My object throughout has been to vest the Government with higher powers than they have thought it necessary to take under this Bill. The object of my amendment also is identical. Under the present definition of Government premises, those premises would not have come in which Government has taken on lease. My amendment seeks to fill that lacuna.

The Honourable Shri N. V. Gadgil: I accept it.

Mr. Chairman: The question is:

"That for clause 6 of the Bill, the following be substituted :

'6. *Amendment of Section* 12, *Act XLIX of* 1947.—In clause (e) of sub-section (2) of section 12 of the said Act, for the words "premises requisitioned", the words "Government premises as defined in *Explanation* to sub-section (1) of section 11 of this Act" shall be substituted'."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Shri Jaspat Roy Kapoor: Sir, I beg to move:

"That in clause 7 of the Bill, in the proposed new section 15A of the Delhi Premises (Requisition and Eviction) Act, 1947,—

(i) the words 'with simple imprisonment for a term which may extend to six months, or' be omitted; and

(ii) the words 'or with both' be omitted."

If my amendment is accepted, clause 7 of the Bill will read thus:

"15*A. Penalty for offences.*—Whoever contravenes any provision of this Act or of any rule made thereunder, or any order made or direction given under this Act, or obstructs the lawful exercise of any power conferred by or under this Act, shall be punishable with fine which may extend to one thousand rupees."

This is entirely a new clause which is proposed to be incorporated in the old Act. In the old Act there was no provision for inflicting any punishment on any person who defies the provisions of the Act. Of course, the normal law

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of the land was there. Now, Sir, this new penalty clause is sought to be introduced in the old Act. I have no objection to such a clause being incorporated. But then I am afraid that the penalty that is proposed in this clause is a little too much, particularly in view of the fact that any contravention of the provisions of this Act would be punishable with simple imprisonment. If only persons who refuse to vacate a building were to be punished, that would have been a different matter, but the sub-section says that whoever refuses to obey any order whatever, passed under this Act, shall be punishable with imprisonment. That appears to me to be much too high and I submit therefore that this amendment of mine may be accepted by the hon. Minister.

Mr. Chairman: Amendment moved:

"That in clause 7 of the Bill, in the proposed new section 15A of the Delhi Premises (Requisition and Eviction) Act, 1947,—

(i) the words 'with simple imprisonment for a term which may extend to six months, or' be omitted; and

(ii) the words 'or with both' be omitted."

Shri Deshbandhu Gupta: I rise to support the amendment moved by my hon. friend.

The Honourable Shri N. V. Gadgil: To save the time of the House, I may say that I propose to accept this amendment.

Shri Deshbandhu Gupta: But I have one request to make to the hon. Minister in this connection.

The Honourable Shri N. V. Gadgil: If you make a speech, I will oppose it!

Shri Deshbandhu Gupta: I will not make a speech, but I will make a request. My request to the hon. Minister is this. From the Statement of Objects and Reasons the difficulty which has provoked my hon. friend to bring forward this amendment to the Act seems to be that he has not been able to get Government quarters or Government buildings cleared of unlawful possession. If that is the only object for which this penal clause is being introduced, I would request the hon. Minister to see that it does not apply to other sections. For instance, I would draw his attention to section 8, sub-clause (iii) of the Act, which says:

"Where the competent authority decides that it is necessary to requisition the premises for any public purpose, he shall call upon the landlord and the tenant or the person in possession by notice in writing to show cause within seven days why the premises should not be requisitioned."

The onus on the landlord or the tenant under this clause of the Act is that he has got to show cause within seven days. Supposing he submits his explanation within ten days, even then he will be liable to be considered as disregarding an order passed by the competent authority and would be liable to the punishment which is envisaged in this penal clause. I think the implications of this provision have not been fully realised. It should either be restricted to Government quarters or Government buildings where Government is sure, or it would result in difficulties. I would request the hon. Minister to revise it and not take such wide powers which are unnecessary and will create great practical difficulties in the administration of this Act.

The Honourable Shri N. V. Gadgil: Sir, I accept that amendment.

Mr. Chairman: The amendment has been accepted.

Shri Deshbandhu Gupta: But what is the explanation of the hon. Minister to the point raised by me?

Mr. Chairman: Does the hon. Minister wish to make any reply?

The Honourable Shri N. V. Gadgil: I don't want.

Mr. Chairman: The question is:

"That in clause 7 of the Bill, in the proposed new section 15A of the Delhi Premises (Requisition and Eviction) Act, 1947,—

(i) the words 'with simple imprisonment for a term which may extend to six months, or' be omitted; and

(ii) the words 'or with both' be omitted."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Prof. N. G. Ranga: Sir, I am glad that this Bill has reached this stage. We are all in favour of it. At the same time, I want to impress upon the hon. Minister and the Government that it is high time that Government shouldered the responsibility of providing housing for all the people of Delhi, if not other cities in this country. It is many years since other countries have taken up such responsibility. In England, as one of our friends had said, they have already got a separate Minister for Housing and a Ministry for it, and they have taken upon themselves the responsibility of providing housing not only in one city, *i.e.* London, but also in all the cities of that country. In this country, unfortunately, the only thing that the W.M.P. Ministry seems to be anxious to do at long last is to control the rents that are being charged for these houses and also to take certain powers in order to requisition certain houses for providing housing for some of the Diplomatic Corps and some other people in Government service and, may be a few others who are private citizens. This is really not enough. Government should try to take early steps to go much farther than this, and if they are to give satisfaction to people at least in this city, then they should themselves take up the house building programme as one of their most important functions. I sincerely hope that the hon. Minister will try to develop his own functions in the desired direction and in that way help the enforcement of this Act itself and make it much more easy than it is today. He himself admits—and everybody knows that in spite of the Act that he has had till now and in spite of the other steps taken.....

Shri B. L. Sondhi (East Punjab: General): On a point of information, Sir, Prof. Ranga is asking the hon. Shri Gadgil to intensify the house-building, but may I state that house-building is not his department, but it is the department of the Health Minister?

Prof. N. G. Ranga: I am glad that my hon. friend Mr. Sondhi has given me this information, but unfortunately it is a part of the Government and Government has got to shoulder this responsibility. (*An hon. Member*: It is joint responsibility.) I sincerely hope that it would be possible for the hon. Minister and the Government to come forward before this House with their proposals in order to develop their functions in the desired direction.

The Honourable Shri N. V. Gadgil: Sir, I have not much to say by way of reply, except that I agree that accommodation is one of the primary necessities along with food and clothing. When there is a short supply of all these the public must agree to a system of control. When there is abundance there is no necessity of any control. But, as yet, the Government of India have not accepted housing of non-officials as an obligation, although there is a recommendation to that effect in the Bhore Committee's Report. However, the suggestion made by my hon. friend Prof. Ranga will be noted and considered when the relevant policy is formulated.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. Chairman: I may just inform hon. Members that the address to be given by shri Mohan Lal Gautam and Mr. Tajamul Hussain which was fixed at 5-15 P.M. will be delivered as soon as this House adjourns.

Pandit Hirday Nath Kunzru (U. P.: General): I propose that the House should now adjourn. The House is depleted; the members are tired. Is it desirable to take up such important matters as the two resolutions on the agenda at this stage? It is very unfair that such important matters should be taken up now.

Mr. Chairman: It was decided this morning that the House shall sit till six and I think hon. Members will have no objection to sit till 6 o'clock. If the House is willing there is no reason why it should adjourn now.

Pandit Hirday Nath Kunzru: If it is the desire to get the two resolutions through by six o'clock, then it is a different question. But if it is the desire that there should be an intelligent discussion on these resolutions, then I think undeniably it is necessary that the matter should be postponed till tomorrow.

Shri C. V. Alagesan (Madras: General): The hon Minister of State for Parliamentary Affairs has invited us to the A.I.R. studio at 6-15 P.M. today to listen to the various versions of *Jana Gana Mana*. He has been complaining that we have not responded to his previous invitations.

Mr. Chairman: The business of the House should have precedence over all other engagements. As this matter has already been settled, I would request the hon. Dr. Syama Prasad Mookerjee to move his resolution.

RESOLUTION re EXTENSION OF PERIOD MENTIONED IN SECTIONS 2 AND 3 OF INDIA (CENTRAL GOVERNMENT AND LEGISLATURE) ACT, 1946, AS ADAPTED

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move:

"That in pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947,

this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1951."

Sir, this Resolution is of a non-controversial character. It seeks to extend by one year more the operation of the Essential Supplies Act of 1946 and the Requisitioning of Land Act of 1947. The House will recall that according to the present law it is open to Parliament to extend the operation of these two Acts by one year by passing special resolutions. Now, Sir, the maximum period up to which such extension can be given is the 31st of March 1951. That is the present law. Meanwhile, the new Constitution will come into operation and according to its provisions, if it is desired that any of the powers which are incorporated in these Acts should be exercised by the Central Government, then special legislation would be passed. Obviously, it is not possible for Parliament to pass such special legislation before 31st of March 1950. Therefore, it is essential that these two Acts should operate for a further period of one year.

Of course, I can assure the House that there will be no occasion for Government in future to come up before Parliament with a similar resolution. This is the last extension that can be obtained according to the present law. Meanwhile I take it Government will have to confer with the Provincial Governments and decide for itself as to which of the powers which are now vested in the Central Government according to these two Acts should continue to remain vested in the Central Government. That will take some time.

Shri R. K. Sidhva (C. P. and Berar: General): May we know whether it would be possible to bring this matter before the first session of the new Parliament?

The Honourable Dr. Syama Prasad Mookerjee: I am afraid it will not be possible. The provinces will have to be consulted and the entire policy of control and regulation will have to be determined by the Central Government in accordance with the provisions which have been incorporated in the new Constitution. That cannot be done very quickly. Meanwhile, we cannot have a vacuum and the continuance of the existing provisions, therefore, is imperative.

I hope, Sir, that the House will accept the resolution and meanwhile enable Government to negotiate with the Provincial Governments with a view to deciding how future legislation should be undertaken with regard to regulation and control.

Mr. Chairman: Resolution moved:

"That in pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947, this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1950."

Prof. N. G. Ranga (Madras: General): Sir, I am glad to be able to support this Resolution. But at the same time. . .

Mr. Tajamul Husain (Bihar: Muslim): The quorum is thirty; we are not thirty at present.

Shri T. T. Krishnamachari (Madras: General): The Ministers are here and the bell may be rung.

Prof. N. G. Ranga: Sir, I was saying that I was in favour of this resolution myself, but at the same time, I wish to remind the House of my request to the Government made repeatedly that it is high time that Government

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should institute a departmental inquiry at least into the working of these controls from the experience that they had gained so far in the working of these controls. It is a notorious fact and an admitted fact even from Government quarters that in the train of these controls corruption has come in. Black marketing also has set in with the result that the moral tone of our social and commercial life has gone down very seriously. It is necessary, Sir, that the Government Department other than the department which is entrusted with the task of enforcing these controls should be expected to conduct an enquiry and see whether exactly these things are going wrong and in what manner things can be improved, either in the supply or the transport, their distribution between one province and another, between one state and another and whether the various distributive means that are adopted can be improved. Everyone knows that if you were to make use of the means of co-operative stores and societies, many of these evils can be minimised and yet co-operative societies have not been used in any Department even. On the other hand, various private interests and private merchants have been utilised with the result that black marketing could not be controlled at all. On the other hand, it has been very much on the increase. Therefore, Sir, I do not wish to detain the House any longer. I only wish to request the Government once again to institute an inquiry without any more delay, at least to get the results of that enquiry and try to enforce them before this Act comes to be renewed again next time.

Secondly, I wish to remind my hon. friend the Minister incharge of this that even last year, we warned him that it might not be possible for him to do away with these controls within the period that he had asked the sanction of this House for, that was two years and it is quite clear now that it would not be possible either for this House or the country to do away with these controls for another five years to come. Just now, a few minutes back, our hon. friend, Mr. Sidhva was warning the Minister in charge of Works, Mines and Power, that it would be necessary for him to have the power to control the rents and also the occupation of these houses in Delhi city for more than two years and I wish to warn the hon. Dr. Syama Prasad Mookerjee again even in regard to these essential supplies and other Industries, it would not be possible for him to do away with these controls for the next five years even with the best possible effort that he could possibly make and the Government could possibly make. Therefore, there is all the greater urgency for them to explore every possible means in order to improve the purity of the administration, its efficiency and its capacity to give satisfaction to our people.

Shri R. K. Sidhva: I have always advocated that the control is good in principle, but administratively it has been so defective that it has become unpopular and with that unpopularity Government also have unnecessarily come in for adverse criticism from time to time and therefore, Sir, with the best of efforts that Government have put to combat that evil, that is to say black-marketing or hoarding or profiteering which has come through control, they have not been successful in stopping them. It is not so simple that all the time and every time when the Act expires the Government could come to this House and say that they want to extend it. I do feel, Sir, in this Resolution the items for control are paper, textiles, cotton and woollen, foodstuffs, petroleum, petroleum products, spare parts, mechanical vehicles, coal, iron and steel and mica and so on. I have already stated that the foodstuff control ought to remain, as I know the condition of the country. The requisitioning of land, that also has to stand. Just a few minutes ago, I stated that the requisitioning of land is really a popular measure and that people have accepted it cheerfully. But as far as other commodities are concerned, I do not see any reason why Government should

not consider them now. Although it may be as I stated that control is good in principle, why should they now burden all the Departments with controls to be continued? Steel is produced at Rs. 200 per ton here against Rs. 300 per tion of imported iron (*An hon. Member*: It is Rs. 600). It is Rs. 600. I am sorry. Iron and steel are meant mostly for agricultural and building purposes; for building purposes, there are many people who could afford to pay more and why then should they incur such a large expenditure. Rs 1,45 lakhs is spent only in the administration of one section of the Iron and Steel Department. I do feel as the hon. Minister just now stated that this measure will be for a short time and I would not have said anything if he had stated that under the new Constitution when the next Parliament meets, in the first session, he is going to bring a new measure in pursuance of the articles that we have passed in the Constitution, but he said that it is not possible to bring it in the first session. It may be at the end of 1950 or 1951. I do not know, when he is going to bring it but he has to bring it under the new Constitution. Still it will take one year. I would request him to bear in mind this matter. I am not opposing and there is no meaning in opposing from that point of view, although my hon. friend Prof. Ranga stated that last year we told the Minister that he should kindly revise this and bring it to the House next time as to what articles were really necessary for control and we see in the resolution the same articles are shown without any clarification or extra explanation being given to the House as to how far the control is really justified. In view of the shortness of time, he does not feel it necessary to give a detailed statement. At least in that event we should have been informed that all these articles are absolutely to be controlled because the condition is bad. I would request him that in regard to all essential articles excepting foodstuffs, requisitioning of land and rent control, he must seriously give his earnest consideration. Abolishing all these control Departments will bring a great deal of saving to the State. I agree that we must import as much as possible until we have self-sufficiency in the Industrial department. Control brings Government unnecessarily into contempt and unpopularity, for no fault of theirs. Therefore, Sir, I contend that we have made our best efforts and we have given them also power. While I cannot oppose because opposition has no meaning just now, I hope that the hon. Minister will kindly bear in mind the suggestions that I have made.

चौधरी रणवीर सिंह: सभापति जी, मैं कण्ट्रोल के खिलाफ हूं लेकिन जिस तरह से मिश्रा साहब ने कहा कि फूड आरटिकल्स (food articles) के लिये तो कण्ट्रोल की आवश्यकता है और दूसरी चीजों के लिये कण्ट्रोल की आवश्यकता नहीं है मैं इससे सहमत नहीं। जब तक आप यह समझते हैं कि फूड आरटिकल्स के लिये कण्ट्रोल हो उस वक्त तक आप दूसरी चीजों के कण्ट्रोल के बगैर काम नहीं चला सकते। क्योंकि देश में अनाज की कमी है और अनाज की कमी को दूर करने के लिये आपके लिये जरूरी है कि आप किसानों को सस्ता कपड़ा, सस्ता लोहा और दूसरी चीज सस्ती दें। या तो आपको इसके लिये तैयार होना चाहिये कि आप अनाज भी महंगा लें, चाहे कितने महंगे दामों को मिले। या आपको देहात के इस्तेमाल की जितनी चीजें भी हैं उन पर आप कण्ट्रोल जारी रक्खें। दोनों फायदों को आप एक साथ नहीं ले सकते। आज देश की ऐसी अवस्था है कि अगर आप एकदम से तमाम कण्ट्रोल को हटा देंगे तो पता नहीं कैसी हालत होगी। अभी आयरन (iron) के कण्ट्रोल

[चौधरी रनबीर सिंह]

का जिक्र किया गया। आयरन की जो ब्लैक मारकेट (black market) की प्राइस (price) है उससे आप हिसाब लगा लीजिये और जो कन्ट्रोल प्राइस (Control price) है उसका हिसाब लगा लीजिये। अगर आपने कन्ट्रोल हटाया तो तकरीबन जो ब्लैक मारकेट प्राइस है उससे जरा नीचे उसकी कीमत मुकर्रर होगी। आप चाहते हैं कि किसान उस कीमत पर लोहे को खरीदें और फिर आपको सस्ता अनाज दें। मैं समझता हूं कि आप धोके में रहेंगे। इस लिये मैं इस प्रस्ताव का समर्थन करता हूं।

(English translation of the above speech.)

Ch. Ranbir Singh (East Punjab: General): Sir, I am opposed to the control system, but I do not agree with my hon. friend Mr. Sidhva that while foodstuff control ought to remain, control on other articles is not necessary. So long as you feel that the food articles should remain under control, you cannot do without imposing a control on other articles, because the country is short in food production and with a view to overcome this shortage, it is very necessary that you should arrange to supply cloth, iron and other articles to the farmers at cheaper rates. Either you ought to be prepared for this that you also procure the foodgrains at an enhanced rate—at whatever costlier price it might be available; or continue the control of all the articles which are frequently used in the rural areas. You cannot have both the advantages. The country is to-day in such a condition that in case you abolish all the controls all at once, then God knows what will happen. Just now reference was made to the control of iron. You can very well imagine what is the black-market price of 'iron' as compared to the controlled price. If you remove the control, then its price will be fixed a little below its black-market price. You want that the peasants should buy steel at that price and still supply you foodgrains at cheaper rates. I apprehend you would be mistaken. Therefore, I support this Resolution.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I do not wish to make a long speech. Prof. Ranga rightly reminded the House of the points which were raised in the course of the discussion of this resolution last year. The Government is not enamoured of controls. In fact, we are not anxious to continue the controls on commodities where they can really be avoided. It is really a choice between two evils. Of course, when we try to operate the control machinery in respect of some commodities, we expect co-operation not only from the official agencies, but also from non-official sources. In some cases we have already withdrawn the controls, the items which Mr. Sidhva has referred to. We are constantly examining and re-examining the position with regard to the other commodities and if we find that there are some in respect of which control is not necessary, in view of improvement of supply position, Government will not hesitate to re-examine.

Shri R. K. Sidhva: Which items have been de-controlled?

The Honourable Dr. Syama Prasad Mookerjee: We have withdrawn controls, as you pointed out, on newsprint, spare parts of mechanically propelled vehicles, mica and woollen textiles.

Shri R. K. Sidhva: But, the Resolution contains them all right.

The Honourable Dr. Syama Prasad Mookerjee: The Resolution gives the power to impose control. Take, for instance, newsprint. It may be necessary for us to re-impose some sort of control if we find that the situation

deteriorates. All that the Government now desire is to keep the power in hand. Under the new Constitution a completely different structure has been contemplated. It will no longer be necessary to transfer power to the Central Government by means of such an *ad hoc* resolution.

An Honourable Member: No more; no more.

The Honourable Dr. Syama Prasad Mookerjee: The Central Government will have to decide in respect of which commodity control should continue and what functions should remain in the hands of the Centre or in the hands of the provinces. When considering these matters, some legislative proposal must come before the House and the House will then certainly be entitled to know what changes Government propose to make and how it is proposed to distribute the powers between the Central Government and the provincial Governments. But, so far as this year is concerned, we do not want to bring about a deadlock. This is the last time that this House has the power to continue the operation of the present powers, for one year. Therefore, Sir, I have to ask the House to agree to give these powers to the Government now.

Mr. Chairman: The question is:

"That in pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947, this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1950."

The motion was adopted.

Mr. Chairman: I find that the attendance in the House is thin and does not warrant the continuance of the business. The House stands adjourned till 10-45 A.M. tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 21st December, 1949.